

Town Clerk
Eva K. Bowen

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
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clerk@acton-ma.gov

Office of the Attorney General
By-Law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, Massachusetts 01103-1629

May 10, 2005

Ms Kelli E. Gunagan

On the above date, I posted attested copies of the amendments to the Town bylaws under Articles 25B, 26, 27, 28 through 29 which were passed at the Annual Town Meeting that first convened on April 5, 2005. These bylaws were approved by Attorney General, Thomas F. Reilly on May 9, 2005 and are posted at the following places in the Town of Acton:

Nagog Woods Post Office, Town Hall, West Acton Post Office, Center Post Office, South Acton Fire Station, Acton Memorial Library.
And the following other places: West Acton Fire Station, and the Police Station.

Maps pertaining to these articles are on file in the Town Clerk's office and the Planning Board.

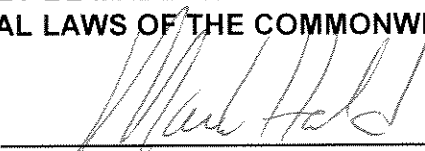
Copies of all amendments / documents are available for review at the Town Clerk's office and at the Planning Department.

In addition this notice and copies of amendments has been posted on the town web site. www.acton-ma.gov

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

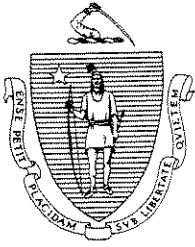


Town Clerk



Constable

Cc, Town Manager
Town Counsel



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

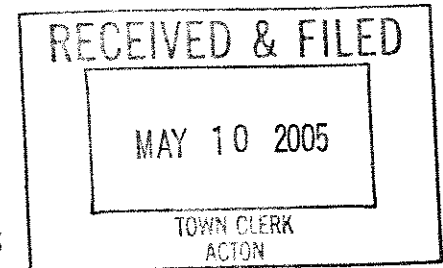
WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

THOMAS F. REILLY
ATTORNEY GENERAL

(413) 784-1240
www.ago.state.ma.us

May 9, 2005

Eva K. Bowen, Town Clerk
472 Main Street
Acton, MA 01720



RE: Acton Annual Town Meeting of April 5, 2005 — Case # 3275
Warrant Articles # 23 & 24 (General)
Warrant Articles # 25B, 26, 27, 28, and 29 (Zoning)

Dear Ms. Bowen:

Articles 25B, 26 through 29 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Acton annual town meeting that convened on April 4, 2005, and the maps pertaining to Articles 27, 28, and 29.

Article 25B - The amendments adopted under Article 25B add a new Section 3.8.3.6 to the town's zoning by-laws. Section 3.8.3.6 pertains to amateur radio antennas and imposes a number of dimensional requirements on such structures. In approving Section 3.8.3.6, we call the town's attention to the protections given to amateur radio antennas under G.L. c. 40A, § 3. Section 3 provides in pertinent part as follows:

No zoning . . . by-law shall prohibit the construction or use of an antenna structure by a federally licensed amateur radio operator. Zoning . . . and by-laws may reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics; provided, however, that such . . . and by-laws reasonably allow for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators and constitute the minimum practicable regulation necessary to accomplish the legitimate purposes of the . . . town enacting such . . . by-law.

Under Section 3, a town cannot prohibit the construction or use of antennas by federally licensed amateur radio operators. Section 3 does, however, authorize the town to impose reasonable regulations on the location and height of amateur radio antennas. We cannot conclude that in all instances the requirements of Section 3.8.3.6 are unreasonable and thus inconsistent with G.L. c. 40A, § 3. However, if as applied to a specific federally licensed amateur radio operator the limitations imposed under Section 3.8.3.6 are found to be unreasonable, then it would be inconsistent with G.L. c. 40A, § 3, to apply the requirements to such operator. Therefore, we caution the town not to implement Section 3.8.3.6 in a manner that infringes on the rights accorded under G.L. c. 40A, § 3.



We offer this caution because during the course of our review, we received letters suggesting that the proposed by-law adopted under Article 25B is inconsistent with the protections given to amateur radio antennas under state and federal law.

Whether a proposed by-law as applied is inconsistent with state law exceeds the scope of review prescribed by G.L. c. 40, § 32. Such a finding is neither prescribed nor even possible for the Attorney General to make in carrying out his mandate under Section 32. Under Section 32, the Attorney General is charged with the review of by-laws for consistency with the laws and the Constitution of the Commonwealth. This review requires that the Attorney General ascertain whether there is a facial, rather than an "as applied," inconsistency between the by-law and the laws and Constitution of the Commonwealth. Facial inconsistency means that there is a fundamental conflict between the by-law and the laws of the Commonwealth, such that there is or can be no instance in which the application of the by-law does not offend state law. This statutory review is made on the basis of materials submitted to the Attorney General by the Town Clerk. Clearly, Town Meeting members come better equipped than the Attorney General to make the findings appropriate to avoid "as applied" problems. We also point out that our review does not include a review for consistency with federal law.

Accordingly, we approve the amendments to the town's zoning by-laws adopted under Article 25B.

Article 26 - The amendments adopted under Article 26 make a number of "housekeeping" amendments to the town's zoning by-laws. Once such amendment would change, renumber and relocate Section 6.7.9 to become Section 6.10, "Parking Lot Bonds and Securities." The new Section 6.10 provides as follows:

The Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas) or their designee may require a bond or other form of security to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to two (2) years following such planting. All required landscaping and plantings must be maintained in a neat, attractive appearance as a condition of the continued PRINCIPAL USE of the LOT.

(Emphasis added.)

The new Section 6.10 of the proposed by-law authorizes Building Commissioner to require a bond or other form of security for planting and landscaping of parking lots. The new Section 6.10 does not provide standards or criteria to guide the Building Commissioner in determining whether to require a bond or other security. Without pre-existing, pre-application standards and criteria to guide the Building Commissioner in the decision making process, the proposed by-law amendments would grant the Building Commissioner unguided discretion in determining whether to grant a license thus promoting potentially arbitrary and discriminatory decision making in violation of rights afforded under the United States Constitution, as applied to the states via the Fourteenth Amendment, and under the Massachusetts Declaration of Rights.

From a constitutional perspective, the “equal protection” requirements of both the Massachusetts and United States Constitutions mandate the existence of uniform standards for both the law and its application. “In the administration of controls limiting the use of land – as with any exercise of the police power – uniformity of standards and enforcement are of the essence. If the laws are not applied equally they do not protect equally.” Fieldstone Meadows Development Corp. v. Conservation Commn. of Andover, 62 Mass. App. Ct. 265, 267 (2004), quoting Fafard v. Conservation Commn. of Reading, 41 Mass. App. Ct. 565, 569 (1996). Thus, while the new Section 6.10 is not facially invalid, it may be invalid as applied if there are no pre-existing, pre-application standards or criteria to guide the Building Commissioner in determining whether to require a bond or other security. The town may wish to discuss this issue in more detail with town counsel.

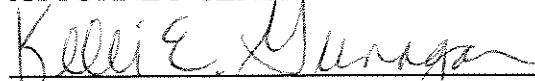
Articles 23 and 24 - We have retained Articles 23 and 24 for further review. We will act on these Articles on or before July 24, 2005.

Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect until the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Very truly yours,

THOMAS F. REILLY
ATTORNEY GENERAL



by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

enc.

pc: Town Counsel



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**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 4, 2005, 7:00 P.M.
WITH ADJOURNED SESSIONS HELD APRIL 5, 2005**
Number of Registered voters attending Town Meeting
APRIL 4, 2005 – 945 and APRIL 5, 2005 - 294

ARTICLE 25B AMEND ZONING BYLAW – AMATEUR RADIO INSTALLATION
(Two-thirds vote)

[Notes in italic print are not part of the article but are intended for explanation only]
To see if the Town will vote to amend the zoning bylaw as follows:

A. Insert under section 3.8.3 – Accessory Uses permitted in any Zoning District, a new sub-section 3.8.3.6 as follows:

3.8.3.6 Not more than one Amateur Radio Tower, or in the case of a licensed amateur radio operator utilizing a long wire horizontal antenna system not more than two Amateur Radio Towers, on a LOT, inclusive of all antennas, appurtenances, support STRUCTURES, anchors, and guys, subject to the following requirements:

- a) The Tower(s) shall be owned and operated by an amateur radio operator who is licensed by the Federal Communications Commission (FCC).
- b) The operator of the Tower(s) or the owner of the LOT shall dismantle and remove the Tower(s) within one year after the cessation of the FCC-licensed operator's ownership or tenancy, or the expiration or rescission of the operator's FCC license.
- c) Tower height shall not exceed 100 feet from ground level when fully extended, including all antennas and appurtenances.
- d) A Tower is prohibited in the front yard of the principal BUILDING or BUILDINGS on the LOT as defined in section 5.2.4.
- e) In Residential Districts, any Tower shall be set back at least 30 feet from all side and rear LOT lines regardless of the otherwise applicable yard requirements, except when:
 - i. The Tower, even when extended, does not exceed the maximum height limit for STRUCTURES; or
 - ii. The tower is directly attached to the side or rear of the principal BUILDING or BUILDINGS on the LOT and complies with the minimum side and rear yard requirements for STRUCTURES.

Anchors and guys must in all cases only comply with the minimum side and rear yard requirements that are otherwise applicable to STRUCTURES.

- f) The base of any Tower shall be surrounded by a fence with a locked gate or shall be equipped with an effective anti-climb device.
- g) No portion of any Tower shall be utilized as a sign or have signage attached to it.
- h) No portion of any Tower shall be illuminated or have lights attached to it unless required by the Federal Aviation Administration.
- i) The Board of Appeals may, by special permit, on a case-by-case basis, allow more than one Amateur Radio Tower or in the case of a long wire horizontal antenna system more than two Amateur Radio Towers on a LOT (3.8.3.6.a), an Amateur Radio Tower height higher than 100' (3.8.3.6.c), an Amateur Radio Tower or Towers in the front yard of the LOT provided that an alternate location on the LOT is not feasible (3.8.3.6.d), and/or a set back of less than 30 feet from side and/or rear LOT lines (3.8.3.6.e) where (1) such relief is demonstrated by the applicant to be necessary to reasonably and effectively accommodate amateur radio communications by the federally licensed amateur radio owner/operator of the Amateur Radio Tower(s) and such relief would not result in a substantial adverse health, safety, or aesthetic impact upon the neighborhood in the vicinity of the Amateur Radio Tower(s), or (2) denial of such relief would otherwise result in a demonstrated violation of applicable Federal Communications Commission (FCC) regulations and/or Massachusetts General Law Ch. 40A, s. 3. In acting on petitions under this section, the Board of Appeals shall apply this bylaw in a manner that reasonably allows for sufficient height of an Amateur Radio Tower or Towers so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators and constitute the minimum practicable regulation necessary to accomplish the legitimate purposes of the bylaw for the protection of health, safety, and aesthetics.

B. Delete section 3.10.3 – Applicability of Special Requirements for Wireless Communication Facilities, and replace it with a new section 3.10.3 as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit a tower or antenna installed solely for use by a federally licensed amateur radio operator. For regulations on Amateur Radio Towers see section 3.8.3.6 of this Bylaw.

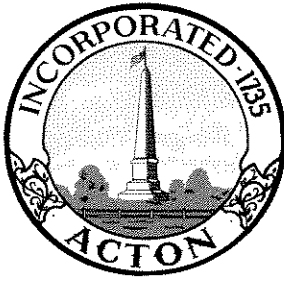
[Note: Section 3.10.3 currently states as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit an antenna installed solely for use by a federally licensed amateur radio operator, provided that the height of such antenna does not exceed applicable height limitations and, if freestanding, that it is set back from all LOT lines at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement.]

Or take any other action relative thereto.

MOTION: **Mr. Hunter** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

MOTION CARRIES BY 2/3 VOTE



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**EXCERPT OF THE ANNUAL TOWN MEETING HELD
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APRIL 4, 2005 – 945 and APRIL 5, 2005 - 294

ARTICLE 26 * AMEND ZONING BYLAW – HOUSEKEEPING
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. Amend section 2.2 by changing “January 2001” to “April 2005” in the first and fourth bullets.
- B. Delete section 4.4.8.1 (local preference criteria for affordable housing) and replace it with a new section 4.4.8.1 as follows:

4.4.8.1 Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the AFFORDABLE DWELLING UNITS shall be initially offered to qualified LOW- and MODERATE-INCOME households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular AFFORDABLE DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the AFFORDABLE DWELLING UNIT who meet the local preference criteria and the applicable income requirements.

[Note – Section 4.4.8.1 currently reads:

4.4.8.1 Preference for Town residents and persons employed within the Town – Unless otherwise prohibited by a federal or state agency under a financing or other subsidy program, at least fifty percent (50%) of the AFFORDABLE DWELLING UNITS donated, rented, leased or sold shall be initially offered to Acton residents, to persons employed within the Town of Acton, and to former residents of the Town as follows:

- a) Thirty percent (30%) shall be initially offered to current residents of the Town of Acton.*
- b) Ten percent (10%) shall be offered to persons employed within the Town of Acton;*

- c) *Ten percent (10%) shall be offered to persons who, although not currently residents of the Town, resided in the Town of Acton for a minimum of five (5) years within the past fifteen (15) years.]*

C. In Section 5 – Table of Standard Dimensional Regulations, delete from the header paragraph the phrase

“and Planned Conservation Residential Communities (PCRC - Section 9).”,

and replace it with

“, Planned Conservation Residential Communities (PCRC - Section 9), and Senior Residences (Section 9B).”

D. Amend section 5.3.3 (frontage exceptions) as follows:

- a. In sub-section 5.3.3.1, change “Residential Districts” in the first line to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts”.

[Note – sub-section 5.3.3.1 currently reads:

5.3.3.1 FRONTAGE Exception LOTS – In the Residential Districts, the minimum LOT FRONTAGE may be reduced by 50 feet per LOT provided that the minimum LOT area required for each such LOT is doubled.]

- b. In sub-section 5.3.3.2, change “other Residential Districts” at the end of the sub-section to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts”.

[Note – sub-section 5.3.3.2 currently reads:

5.3.3.2 Curved STREET Exception LOTS – Excluding a cul-de-sac, any LOT whose entire FRONTAGE is on the outside sideline of a curved STREET having the radius of 300 feet or less shall be permitted to reduce its minimum FRONTAGE to 125 feet for a LOT located in the R-2 District and 150 feet for a LOT located in the other Residential Districts.]

E. Amend the first paragraph of section 5.3.4 by changing “Residential Districts” in the first line to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts,”.

[Note –The first paragraph of section 5.3.4 currently reads:

5.3.4 Hammerhead LOTS – In the Residential Districts Hammerhead LOTS may be created subject to the following requirements:]

F. Amend section 5.5A.1 (maximum floor area of businesses and industries in village districts), by changing the entry in column EAV, line 3.5.14 – Building Trade Shop, from 5,000 *[5,000 square feet]* to NR *[No Regulation]*.

G. Amend section 5.5B.1 (design provisions for the East Acton Village (EAV) District), by deleting the last sentence of sub-section 5.5B.1.2.f)i. and replacing it with the following new sentences:

“No driveways or parking lots shall be located between a pedestrian plaza and a STREET, unless the pedestrian plazas are located in the rear of a BUILDING when viewed from a STREET. No driveway or parking lot shall intersect or be mixed with a pedestrian plaza.”

[Note – sub-section 5.5B.1.2.f)i. currently reads:

i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except

that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.]

- H. Renumber and relocate section 6.7.9 to become section 6.10 instead, and change its title from “Bonds, Securities —” to “Parking Lot Bonds and Securities —”.

[Note – section 6.7.9 currently reads:

6.7.9 Bonds, Securities – The Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas) or their designee may require a bond or other form of security to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to two (2) years following such planting. All required landscaping and plantings must be maintained in a neat, attractive appearance as a condition of the continued PRINCIPAL USE of the LOT.]

- I. Insert under section 6.9.2 (special provisions for parking in the North Acton Village (NAV) District) the following new section 6.9.2.4:

6.9.2.4 Except as stated in 6.9.2.1 through 6.9.2.3, the parking lot design requirements of Section 6.7 shall apply in the NAV District.

- J. Insert under section 6.9.3 (special provisions for parking in the East Acton Village 2 (EAV-2) District), the following new sub-section c):

c) Otherwise, the parking lot design requirements of Section 6.7 shall apply in the EAV-2 District.

- K. Amend section 6.9.4 (special provisions for parking in the West Acton Village (WAV) and South Acton Village (SAV) Districts) by inserting in the first paragraph of sub-section 6.9.4.6 after its title and before “Off-STREET parking ...” the following new sentence:

“The parking lot design requirements of Section 6.7 shall not apply in the WAV and SAV Districts.”

[Note – sub-section 6.9.4.6 currently reads:

6.9.4.6 Design Requirements – Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements.]

- L. Amend section 6.9 (special provisions for parking in the Village, Kelley’s Corner, and Powder Mill Districts) as follows:

- a. In sub-section 6.9.4.4, change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.
- b. In sub-section 6.9.4.5, change the reference to section 6.9.2.4 to refer to section 6.9.4.4 instead.
- c. In sub-section 6.9.4.6.a), change the reference to section 6.9.2.7 to refer to section 6.9.4.7 instead.

- d. In sub-section 6.9.4.6.c), change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.
 - e. In sub-section 6.9.5.3, change the reference to section 6.9.3.4 to refer to section 6.9.5.4 instead.
 - f. In sub-section 6.9.5.4, change the reference to section 6.9.3.3 to refer to section 6.9.5.3 instead.
 - g. In sub-section 6.9.6.3, change the reference to section 6.9.4.4 to refer to section 6.9.6.4 instead.
 - h. In sub-section 6.9.6.4, change the reference to section 6.9.4.3 to refer to section 6.9.6.3 instead.
- M. Amend section 8.3 (nonconforming structures) by deleting the word “minimum” from the first line in subsection 8.3.3.

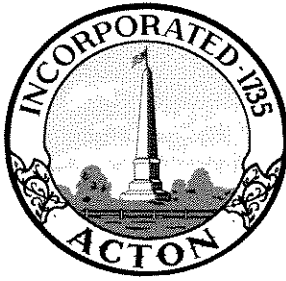
[Note – section 8.3.3 currently reads:

8.3.3 A BUILDING, which is nonconforming with regard to any minimum yard requirement may be extended horizontally within the dimension of its existing nonconformity by special permit from the Board of Appeals, provided that the extension otherwise conforms to all the dimensional requirements of this Bylaw, and provided further that the Board of Appeals finds that such an extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the BUILDING.]

, or take any other action relative thereto.

MOTION: Mr. Sullivan moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY



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ARTICLE 27 * AMEND ZONING BYLAW – REDUCE SPLIT-ZONING OF PARCELS
(Two-thirds vote)

To see if the Town will vote to amend Map No. 1 of the Zoning Map by rezoning the following split-zoned parcels of land as indicated in the table below *[Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present zoning designations and location identifications are shown for informational purposes only. The present zoning column shows the zoning designation for the parcels' majority land areas before the "&" symbols]:*

Parcel Identification	Proposed Zoning	Present Zoning	Location
D-4/4*	R-10/8 & LB	R-10/8 & LB	352 Great Rd.
D-4/17	LB	LB & R-10/8	346 Great Rd.
D-5/25	PCRC	PCRC & R-2	675 Main St.
D-6/3-2	R-10/8	R-10/8 & R-8	21 Triangle Farm Ln.
D-6/3-3	R-10/8	R-10/8 & R-8	10 Triangle Farm Ln.
D-6/3-4	R-10/8	R-10/8 & R-8	20 Triangle Farm Ln.
E-4/2-1	R-10/8	R-10/8 & R-8	163 Nagog Hill Rd.
E-6/2	R-8	R-8 & R-10/8	376 Pope Rd.
E-6/3	R-8	R-10/8 & R-8	380 Pope Rd.
E-6/4	R-8	R-8 & R-10/8	366 Pope Rd.
H-2/127	R-8/4	R-8/4 & R-2	4 Apple Valley Dr.
* Rezone from LB to R-10/8 only the small portion of D-4/4 that abuts parcel D-4/10. <i>[Parcel D-4/4 is currently split three-ways, two portions in LB (Limited Business) and one portion in R-10/8; this article will change one of the LB-portions to R-10/8, removing one of the splits.]</i>			

, or take any other action relative thereto.

MOTION: **Mr. Sullivan** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

HELD FROM CONSENT

MOTION CARRIES UNANIMOUSLY



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ARTICLE 28 * AMEND ZONING BYLAW
(Two-thirds vote) CONSOLIDATE AFFORDABLE HOUSING OVERLAY DISTRICT

To see if the Town will vote to amend Map No. 4 of the Zoning Map (Affordable Housing Overlay District Map) by removing from the Affordable Housing Overlay Sub-Districts A and B the following parcels, or any of its portions in such districts, as listed in the table below *[Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present overlay zoning sub-districts and location identifications are shown for informational purposes only]*:

Parcel Identification	Present Overlay Zoning Sub-District	Location
B-5/3	B	25 Westford Ln.
B-5/14-1	A	Off Quarry Rd. (end)
B-5/19	B	100 Nagog Pk.
B-5/ 23 and 24	A	111 and 115 Quarry Rd.
B-5/ 28 and 29	A	107 and 119 Quarry Rd.
B-6/20 and B-6/20-1 through 20-5	A	31(rear), 39, 41, and 43 Carlisle Rd. & 2 Marshall Path
C-4/21 and C-4/21-5 through 21-92	A	All parcels in the Acorn Park subdivision (Acorn Park Drive and side streets)
C-4/27-1 and C-4/27-4 through 27-9	A	2-8 Palmer Ln.
C-5/10 and C-5/10-2 through 10-18	A	1-18 Captain Handley Rd.
C-5/26 and C-5/26-1 through 26-5	B	42, 46, 50, 54, 60, and 64 Quarry Rd.
C-6/ 8 and 9	A	27 Marshall Path (rear)
C-6/ 15 through 37	A	25 Carlisle Rd. and all parcels in the Marshall Crossing subdivision (Marshall

Parcel Identification	Present Overlay Zoning Sub-District	Location
		<i>and Blueberry Paths)</i>
D-3/5 and D-3/5-7 through 5-9	A	208,214,220, and 226 Newtown Rd.
D-4/10	A	350 Great Rd.
D-4/12	A	363 Great Rd.
D-4/ 17 and 17-1	A	346 and 348 Great Rd.
D-4/19	A	361 Great Rd.
D-4/ 23 and 24	A	592 Main St. (rear)
D-4/39	A	354 Great Rd.
D-5/1	A	Meyer Hill Dr.
D-5/19 and D-5/19-1 through 19-5	A	687,689,693,697,701,and 705 Main St.
D-5/25	A	675 Main St.
D-5/31	A	362 Pope Rd. (rear)
E-2/237 and E-2/237-1 through 237-9	A	All parcels in the Kennedy Est. subdivision (Kennedy Ln.) & 110 Arlington St.
E-2/ 238 and 238-1	A	78 and 80 Charter Rd.
E-2/257-1 and 257-2	A	76 and 78(rear) Charter Rd.
E-2/261-2 and 261-3	A	121 and 131 Hayward Rd.
E-2/ 262, 272 and 273	A	121 Hayward Rd.
E-3/63 and E-3/63-1 through 63-9	A	All parcels in the Washington Drive Ext. subdivision (8-10 Washington Dr. and McKinley Dr.)
E-3/87 and E-3/87-65 through 87-68	A	All parcels in the Glenbrook Run subdivision (Monroe Dr.)
E-3/101	A	75 Hayward Rd.
E-3/109	A	65 Charter Rd. (side)
E-4/45	A	520 Main St.
E-4/75	A	514 Main St. (rear)
E-4/ 85 and 85-1	A	521 and 523 Main St.
E-5/15-3 through 15-33	A	Parcels in the Bellows Farm subdivision (off Bellows Farm Rd., Briar Hill Rd.)
E-5/16 and E-5/16-1 through 16-18	A	All parcels in the Hearthstone Farm subdivision (Jay Ln.), 85,89, and 97- 118 Strawberry Hill Rd., 186 Pope Rd.
E-5/35	A	49 Strawberry Hill Rd.
E-5/35-3	A	88 Esterbrook Rd.
E-5/51-54 and 51-55	A	Parcels in the Bellows Farm subdivision (off Bellows Farm Rd.)
E-6/ 2 through 4	A	366,376 and 380 Pope Rd.
E-6/7	A	362 Pope Rd.
F-1/6	B	647 Massachusetts Ave.
F-1/74-1 through 74-19 and F-1/132	A	All parcels within the Maple Creek Farm subdivision (Woodfield Rd. & Shady Ln.) and 130 Summer St.
F-1/ 109 and 109-1	A	116 and 118 Summer St.

Parcel Identification	Present Overlay Zoning Sub-District	Location
F-2/106 and F-2/106-1 through 106-5	A	463-471 and 477 Massachusetts Ave.
F-2A/11-1 through 11-3	B	1-3 Gregory Ln.
F-2A/118	B	294 Arlington St.
F-3/70 and F-3/70-17 through 70-26	A	351 and 353 Main St. & 1 and 3-12 Stacy's Way
F-3/90	A	349 Main St. (rear)
F-3/ 122 and 122-1	A	15 Barker Rd. & 2 Stacy's Way
F-3/140	B	248 Main St.
F-3A/56-1 and 56-2	A	13 and 19 Wood Ln.
F-4/13-1	A	22 Esterbrook Rd.
F-4/34	A	116 Concord Rd.
F-4/ 37 and 37-5	B	145 Great Rd.
F-4/40 and F-4/40-1 through 40-4	A	All parcels in the Concord Place subdivision
F-4/43	A	73 Concord Rd.
F-4/69-1	B	125 Great Rd.
F-5/11-4	A	7 Proctor St.
F-5/ 51 through 59	A	138-160, 170 and 180 Pope Rd. & 93 Strawberry Hill Rd.
G-1/ 94 and G-1/94-1 through 94-11	A	Parcels in the Colonial Acres IV subdivision (126 Summer St & 1-5, 7, 9, 11, 13, 15 and 17-21 Squirrel Hill Rd.)
G-1/ 95 and 96	A	6 and 8 Squirrel Hill Rd.
G-1/107	A	10 Squirrel Hill Rd.
G-1/ 120 and 121	A	23 and 25 Squirrel Hill Rd.
G-1/ 123 and 133	A	12 and 14 Squirrel Hill Rd.
G-1/ 152 and 152-1	A	20 and 22 Squirrel Hill Rd.
G-1/153	A	16 Squirrel Hill Rd.
G-1/ 172 & 173	A	16 (side) and 18 Squirrel Hill Rd.
G-2/192 and G-2/192-1 through 192-4	A	All parcels in the McGovern Estates subdivision (21-26 Overlook Dr. & 69 Robbins St.)
G-2/193 and G-2/193-1 through 193-14	A	Parcels in the Meadow View subdivision (14-18, Prescott Rd. & 7-19 Overlook Dr.)
G-2/194-1, 194-2 and 194-4	A	Parcels in the Meadow View subdivision (7 rear, 11 rear, and 13 rear Overlook Dr)
G-2A/11-1 through 11-3	A	Parcels in the Tupelo Place subdivision (3-6 Tupelo Way)
G-2A/18 and G-2A/18-1 through 18-5	A	Parcels in the Tupelo Place subdivision (7-13 Tupelo Way)
G-3/1	B	246 Main St.
G-3/12	A	332 Massachusetts Ave.
G-3/ 13 and 13-1	A	10 and 12 Barker Rd.

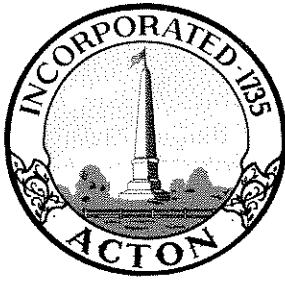
Parcel Identification	Present Overlay Zoning Sub-District	Location
G-3/14	A	16 Barker Rd.
G-3/65	A	84 Piper Rd.
G-3/65-1 through 65-17	A	Parcels in the Piper Ridge subdivision (4-14 Farmstead Way & 1-6 Anders Way)
G-3/66	A	92 Piper Rd.
G-3/69	A	80 Piper Rd.
G-3/69-1 and 69-2	A	2 and 4(side) Farmstead Way
G-3/ 73 through 75	A	2A and 2B Farmstead Way & 74 Piper Rd.
H-2/7, H-2/7-4 through 7-6, 7-8 through 7-15, and 7-17	A	Parcels in the Meadow View subdivision (1-12 Prescott Rd. & 1-5 Overlook Dr.)
H-3/ 73 and H-3/73-1 and 73-2	A	Parcels in the Maddy Lane subdivision (220 School St. & 4 and 6 Maddy Ln.)
H-3B/72	B	61 Main St.
H-3B/81	B	59 Main St.
H-3B/83	B	2 Farley Ln.
H-3B/88 and H-3B/88-4 through 88-9	B	83 High St, 9-13 Conant St., & 3 and 4 Farley Ln.
H-4/68 and H-4/68-1 through 68-5	A	Parcels in the Maddy Lane subdivision (222 School St. & 1,3,5,7, and 8 Maddy Ln.)
H-4/73 and H-4/73-1 through 73-9	A	All parcels in the Lupine Path subdivision (Guswood Rd. & 244 and 246 School St.), & 230 and 234 School St.
H-4/116-3, H-4/ 127 and 128, and H-4/128-1 through 128-55	A	All parcels in the Laws Brook Village subdivision (Lexington Dr.)
I-2/ 8 through 10	B	45, and 47(rear) Main St.
I-2/ 62, 62-1, and 62-2	A	44,46, and 48 Conant St.
I-3/32 and I-3/32-1 through 32-3	A	All parcels in the Parmley Dr. subdivision
I-3/101 and I-3/101-1 through 101-10	A	176,180,186,190,194,198,202,204, and 206 High St. & 177 and 181 Parker St.
I-3/ 124 and 124-1	A	183 and 185 Parker St.
J-3/60 and J-3/60-1 through 60-16	B	All parcels in the Westside Village subdivision (Westside Dr.)

, or take any other action relative thereto.

MOTION: Mr. Sullivan moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

HELD FROM CONSENT

MOTION CARRIES BY 2/3 VOTE



Town Clerk
Eva K. Bowen

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9615
Fax (978) 264-9630
clerk@acton-ma.gov

**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 4, 2005, 7:00 P.M.
WITH ADJOURNED SESSIONS HELD APRIL 5, 2005**
Number of Registered voters attending Town Meeting
APRIL 4, 2005 – 945 and APRIL 5, 2005 - 294

**ARTICLE 29 * AMEND ZONING BYLAW – REDUCE SPLIT-ZONING OF PARCELS IN
(Two-thirds vote) THE AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend Map No. 4 of the Zoning Map (Affordable Housing Overlay District Map) by reassigning the Affordable Housing Overlay Sub-District designation of the following parcels of land as indicated in the table below *[Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present overlay zoning sub-districts and location identifications are shown for informational purposes only. "Partial" means that the majority of the parcel's land area is in the denoted zoning district.]*:

Parcel Identification	Proposed Overlay Zoning Sub- District	Present Overlay Zoning Sub- District	Location
C-5/90-5	B	<i>B (partial)</i>	76 Harris St.
D-6/3-2	A	<i>A (partial)</i>	21 Triangle Farm Ln.
D-6/3-3	A	<i>A (partial)</i>	10 Triangle Farm Ln.
D-6/3-4	A	<i>A (partial)</i>	20 Triangle Farm Ln.
E-4/2-1	A	<i>A (partial)</i>	163 Nagog Hill Rd.
F-2/138	B	<i>B (partial)</i>	10 Hennessey Dr.
F-2A/11-4	A	<i>B</i>	4 Gregory Ln.
H-2/66	A	<i>A (partial)</i>	116 Stow St.
H-2/127	A	<i>A (partial)</i>	4 Apple Valley Dr.
J-3/15-1	A	<i>A (partial)</i>	12 Dunham Ln.
J-3/15-4	A	<i>A (partial)</i>	13 Dunham Ln.
J-3/15-6	A	<i>A (partial)</i>	11 Dunham Ln.
J-3/15-7	A	<i>A (partial)</i>	9 Dunham Ln.
J-3/15-8	A	<i>A (partial)</i>	7 Dunham Ln.
J-3/15-10	A	<i>A (partial)</i>	5 Dunham Ln.

, or take any other action relative thereto.

MOTION: **Mr. Sullivan** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

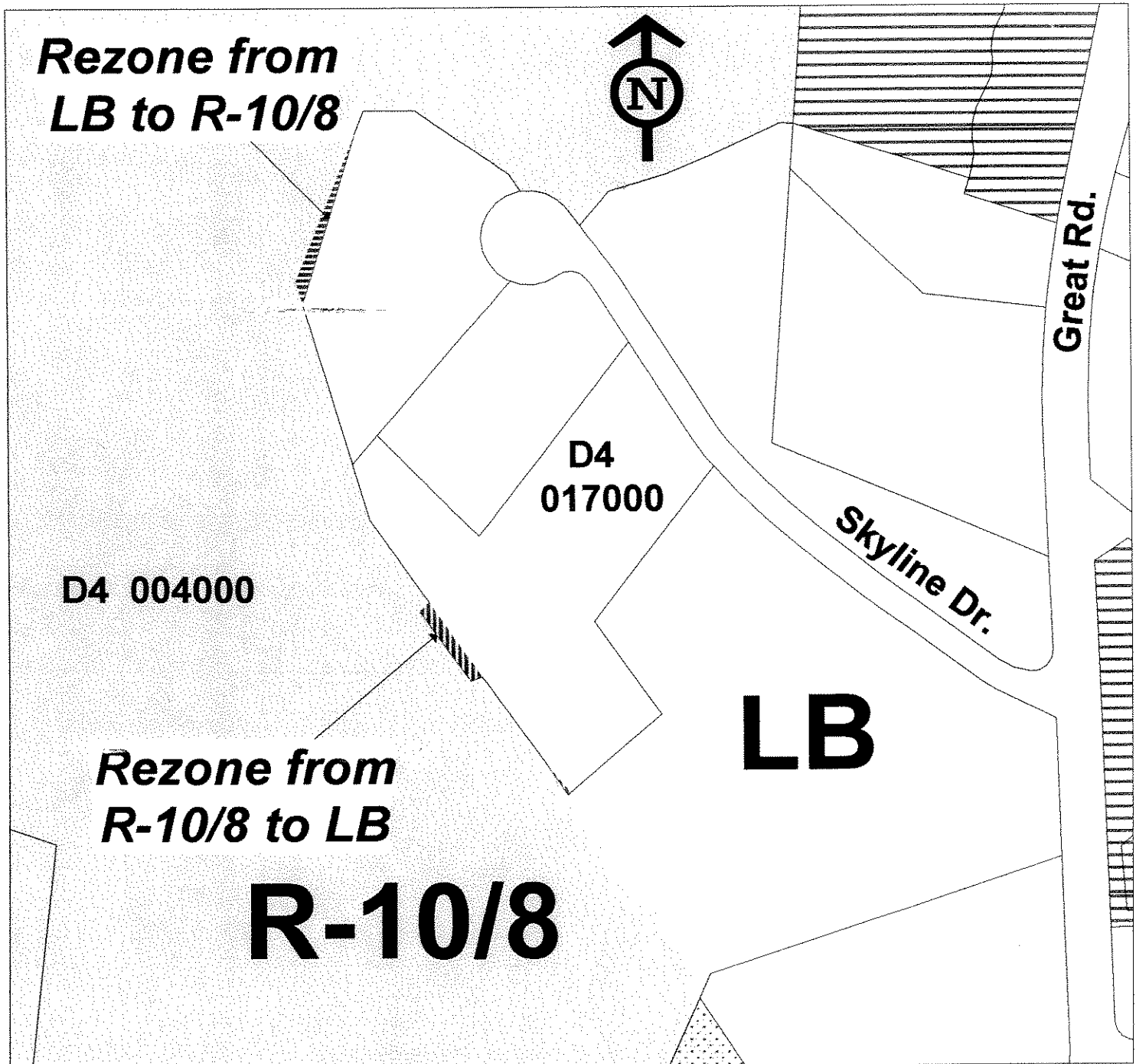
CONSENT MOTION CARRIES UNANIMOUSLY

ACTON

A True Copy. Attest:

ARTICLE # 27

Ethel K. Brown
TOWN CLERK ACTON, MASS.



APPROVED

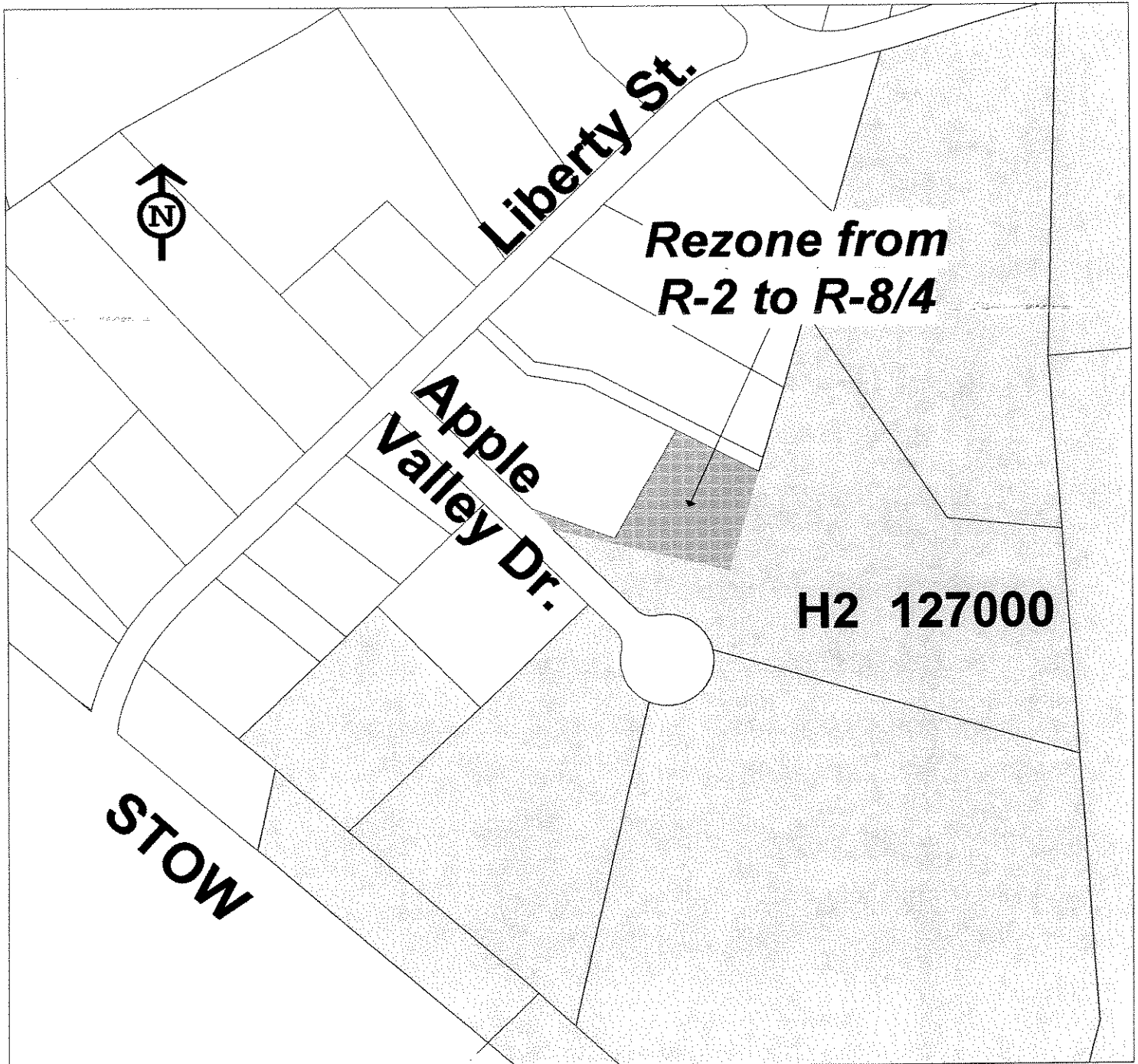
Attorney General's Office
By: Kelli G. Dunne
Date: 5/9/05
Art. 27 Town Meeting Date 4/5/05

ACTON

A True Copy. Attest:

ARTICLE # 27

Em K. Zoccaro
TOWN CLERK ACTON, MASS.




APPROVED

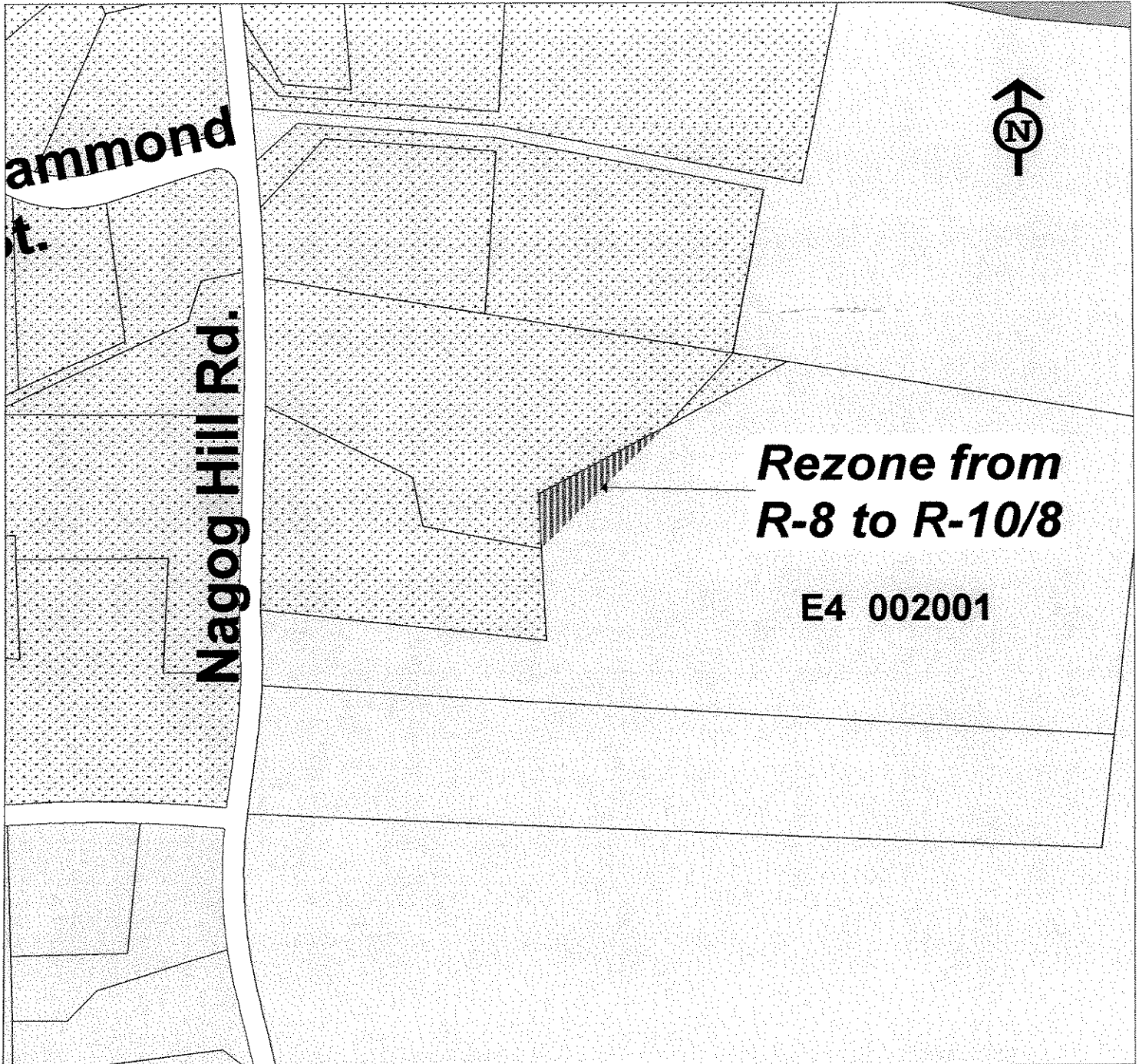
Attorney General's Office
By: *Kelli A. Munyon*
Date: 5/9/05
Art. 27 Town Meeting Date 4/5/05

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TOWN CLERK ACTON, MASS.



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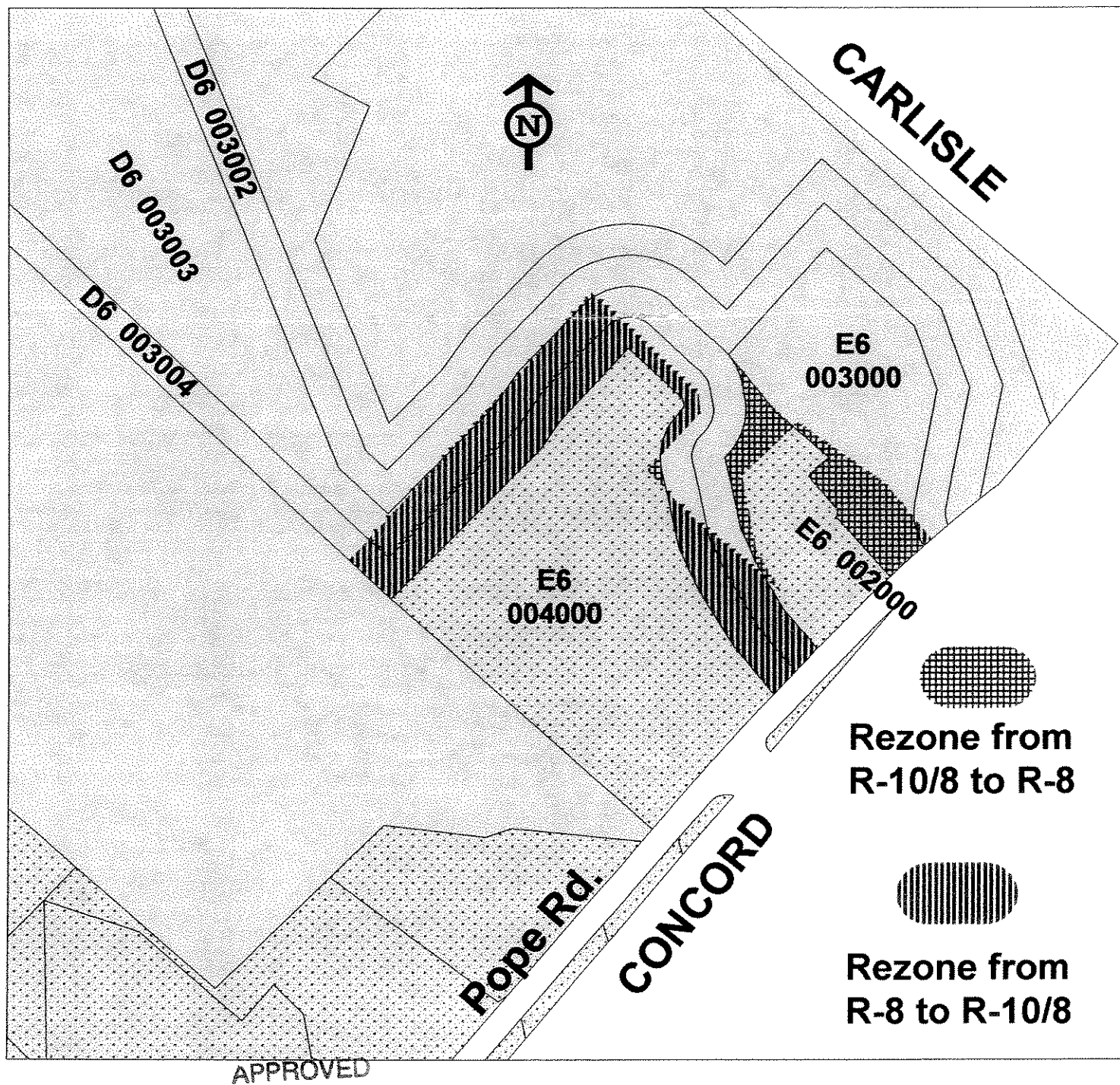
Attorney General's Office
By: 
Date: 5/9/05
Art. 27 Town Meeting Date 4/5/05

ACTON

A True Copy. Attest:

ARTICLE # 27

Eva H. Brown
TOWN CLERK ACTON, MASS.



Attorney General's Office
By: Kelli G. Dunne
Date: 5/9/05
Art. 27 Town Meeting Date 4/5/05

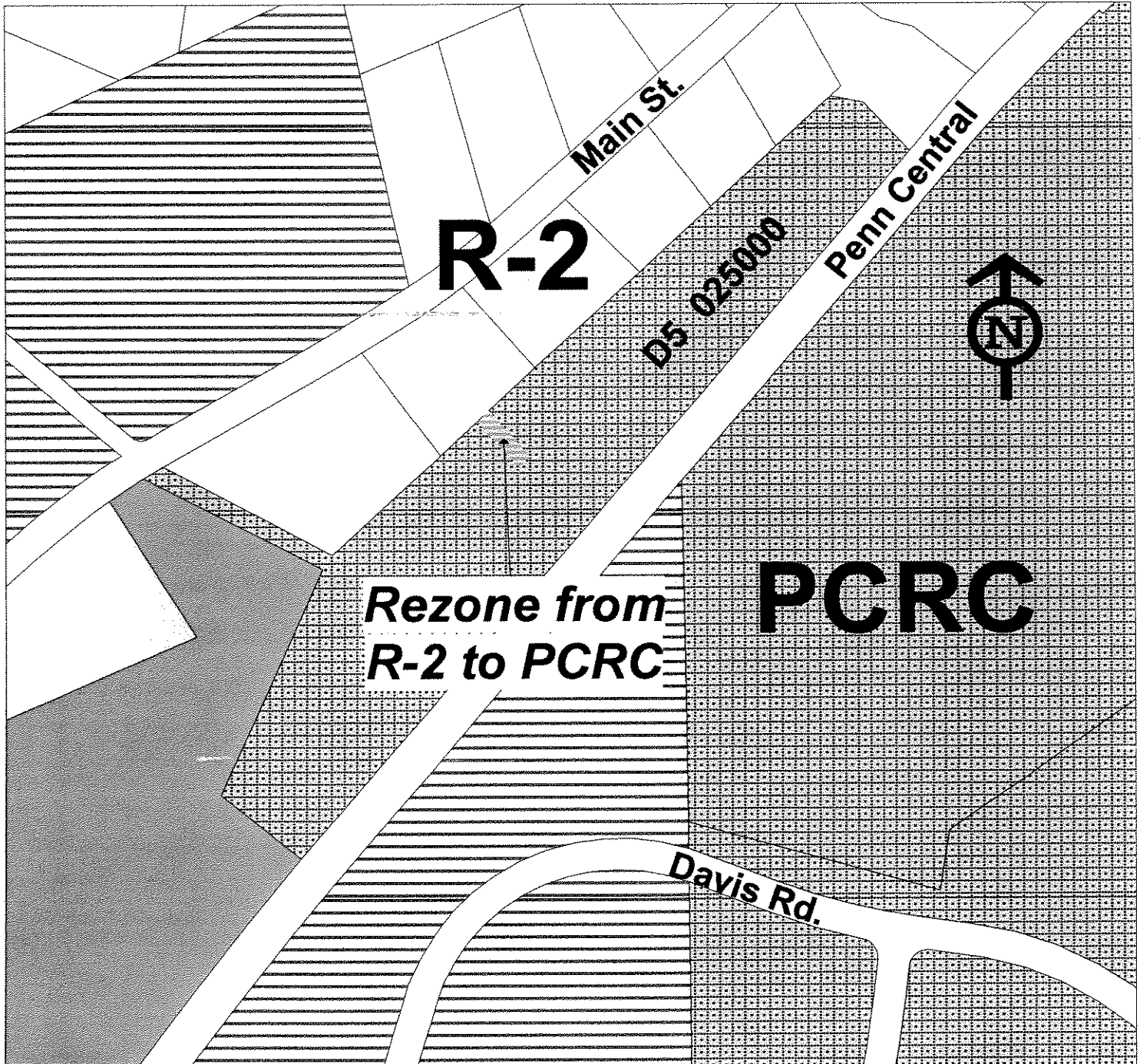
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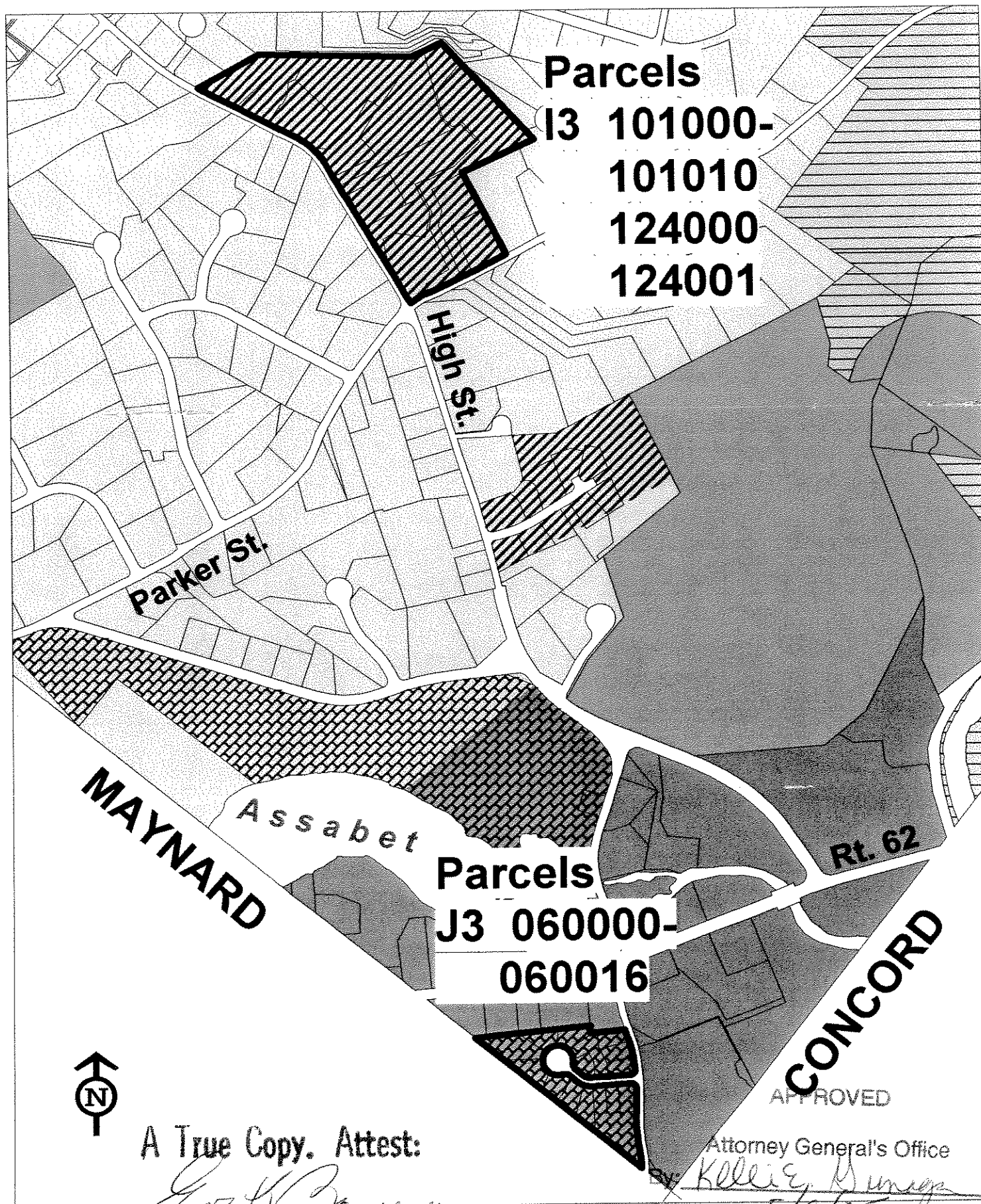
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TOWN CLERK ACTON, MASS



APPROVED

Attorney General's Office
By: *[Signature]*
Date: 5/9/05
Art. 27 Town Meeting Date 4/5/05



A True Copy. Attest:

Earl Brown

TOWN CLERK ACTON, MASS.

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Attorney General's Office

By: *Kelli E. Munger*

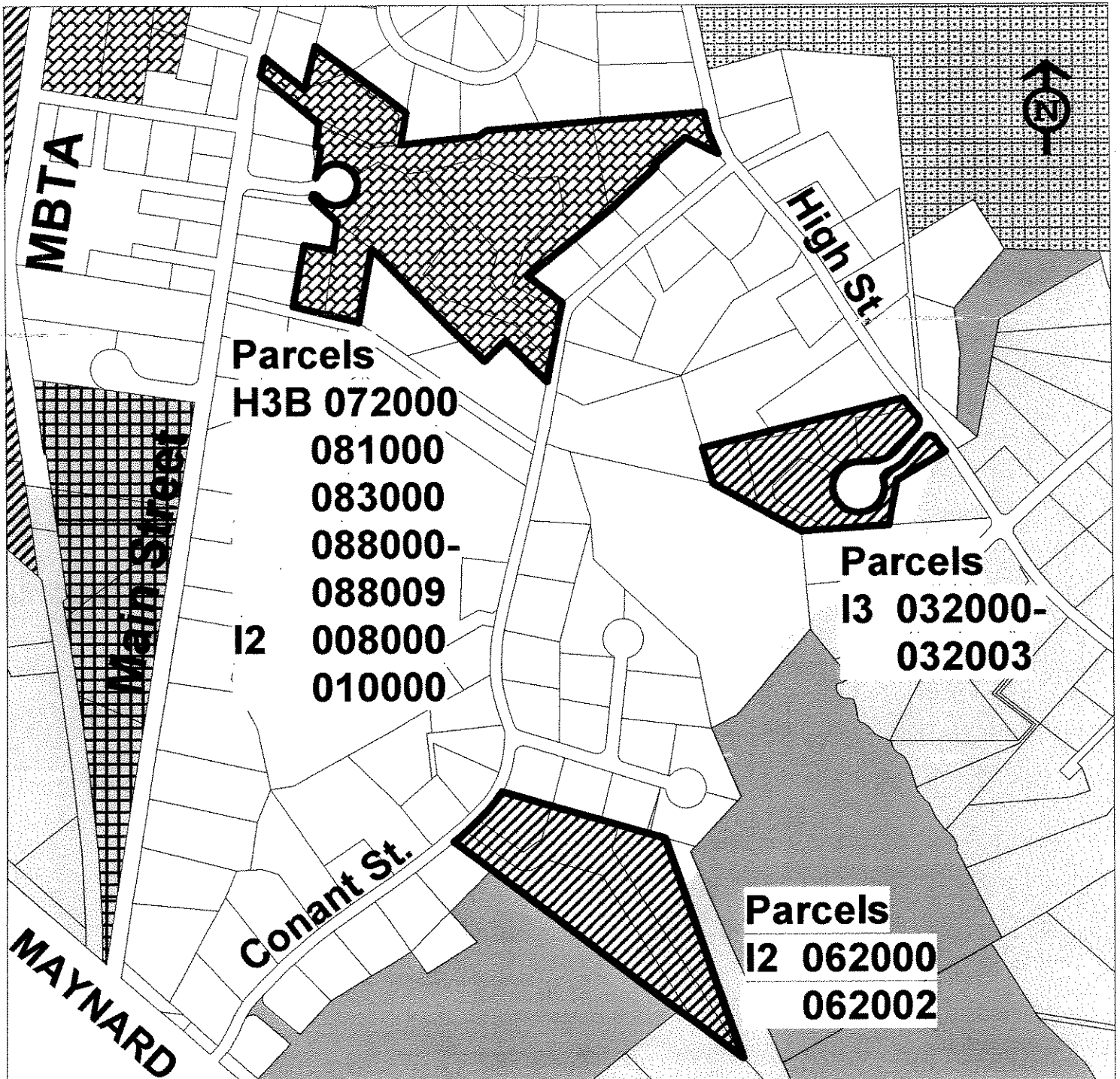
Date: *5/9/05*

Art. *28* Town Meeting Date *4/5/05*

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ARTICLE # 28

Jan K. Brown
TOWN CLERK ACTON, MASS.



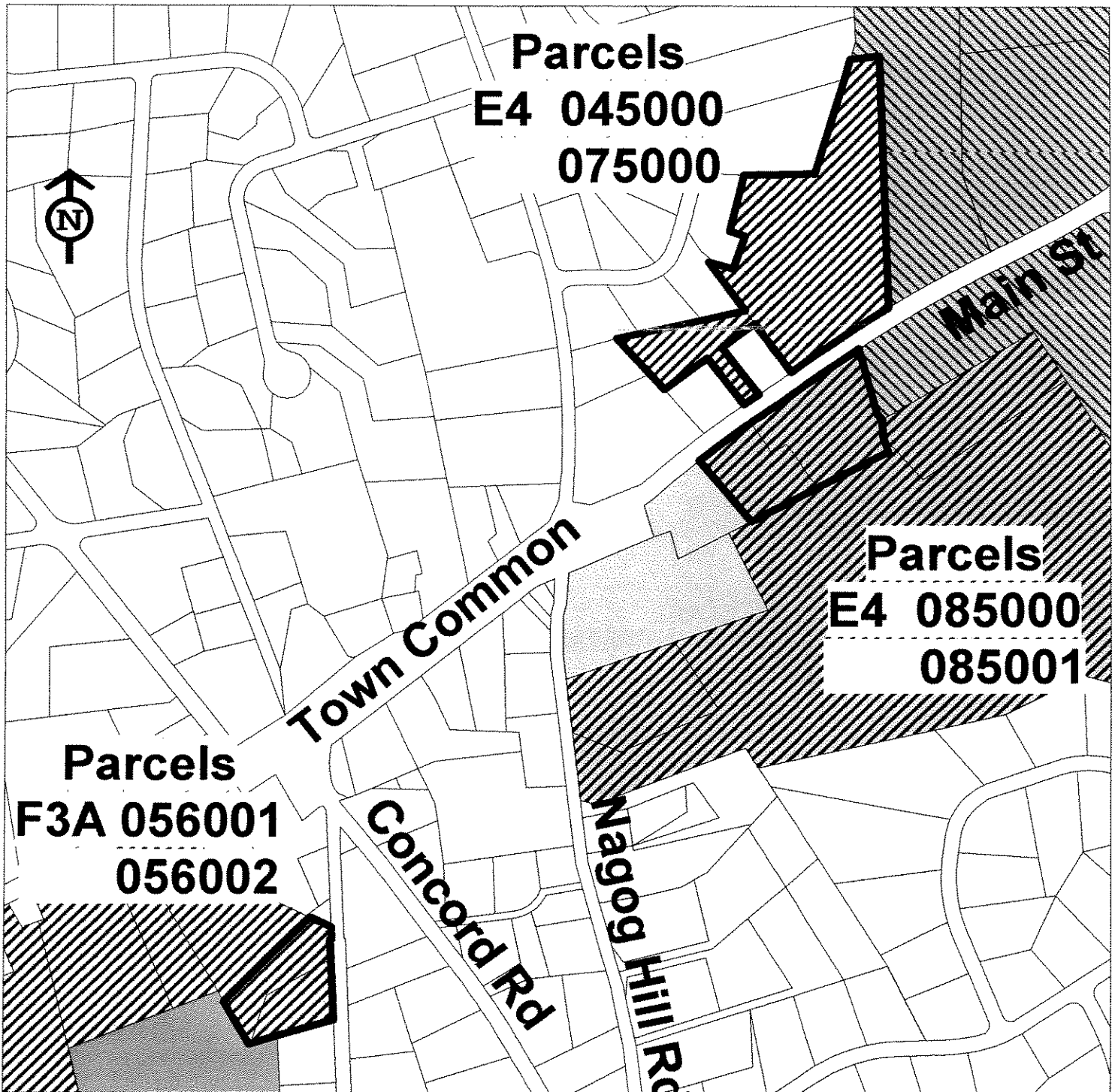
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Attorney General's Office
By: *Kelli G. Wynne*
Date: *5/9/05*
At. *28* Town Meeting Date *4/5/05*

A True Copy. Attest:

ARTICLE # 28

E. H. Bowen
TOWN CLERK ACTON, MASS.



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Attorney General's Office

By: *Kellie E. Munoz*

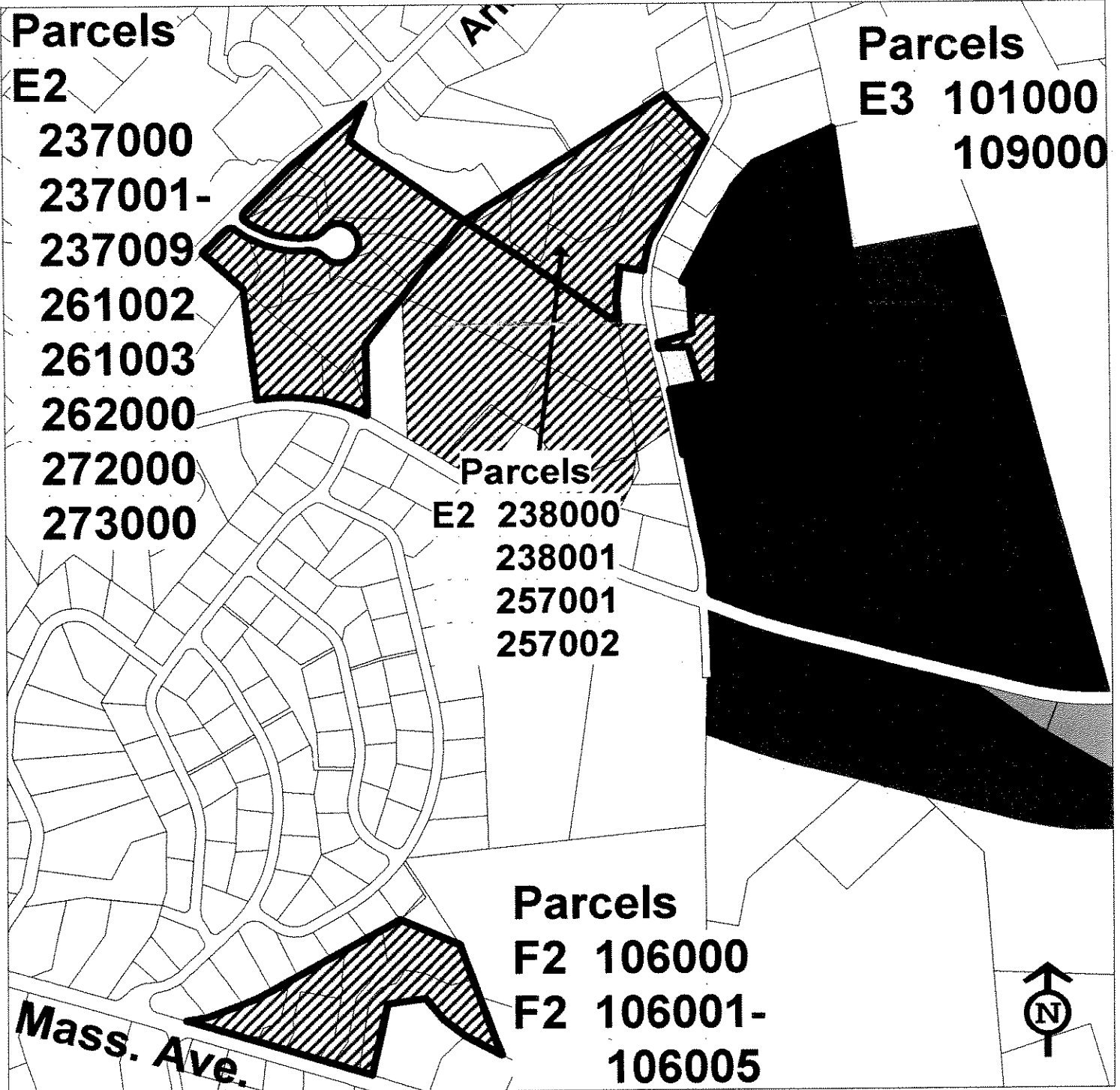
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E. H. Bowen
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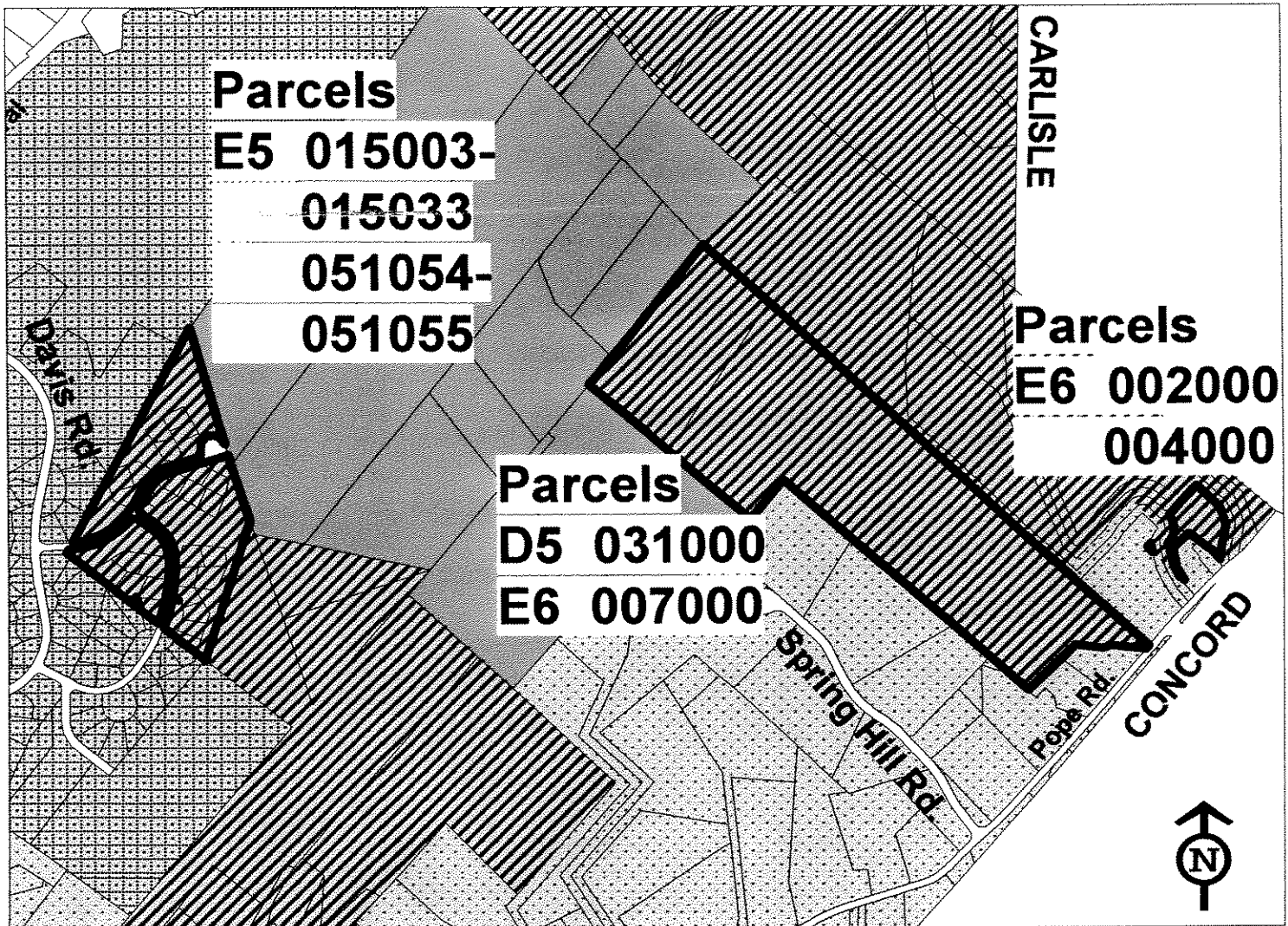
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Attorney General's Office
By: Kelli E. Yonaga
Date: 5/9/05
Art. 28 Town Meeting Date 4/5/05

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ARTICLE # 28

Eph K Bowen
TOWN CLERK ACTON, MASS.



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Attorney General's Office

By: Kelli G. Munagan

Date: 5/9/05

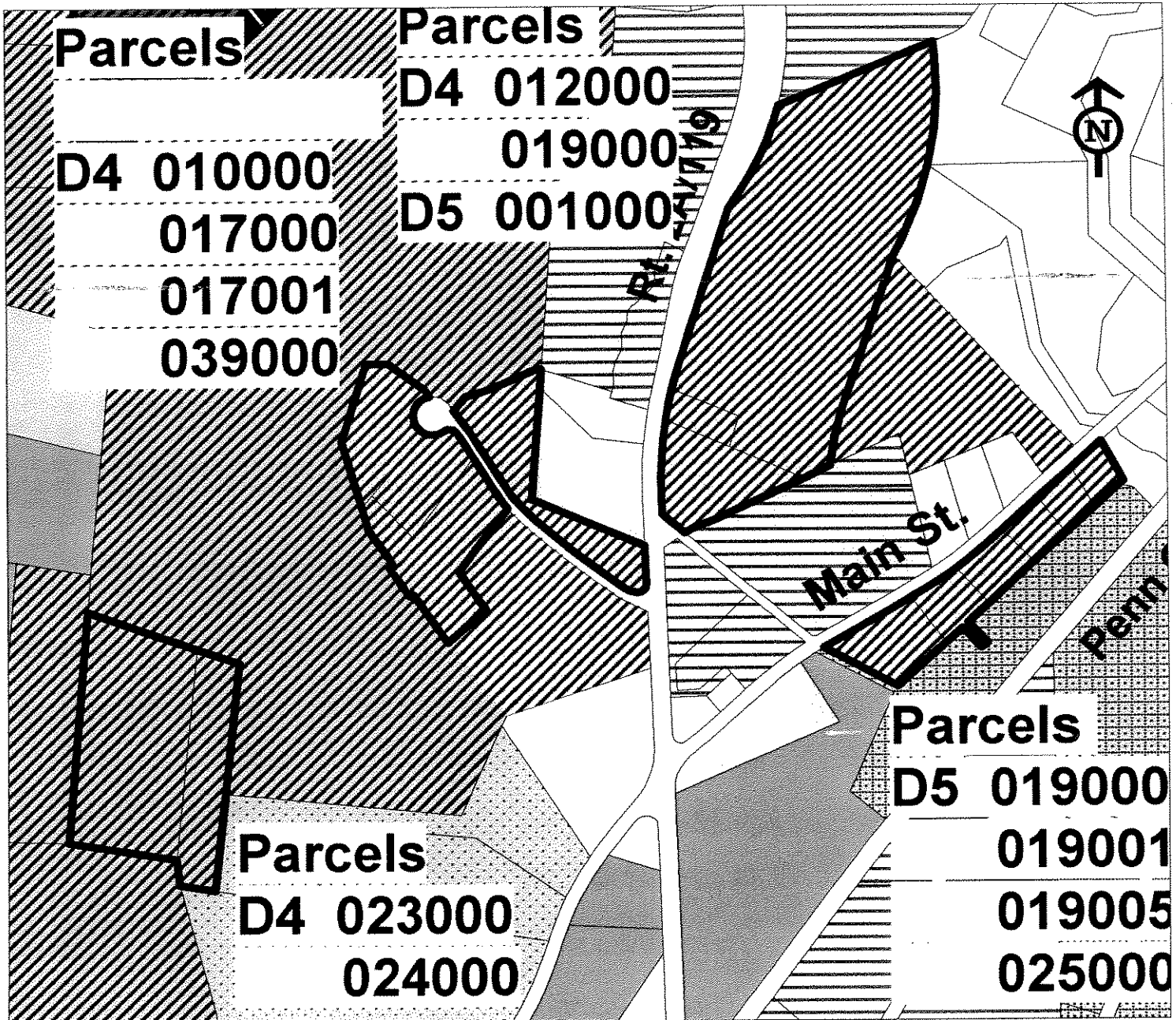
Art. 28 Town Meeting Date 4/5/05

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Eva K. Bowen

TOWN CLERK ACTON, MASS



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Attorney General's Office

By: *Kellie D. Wagon*

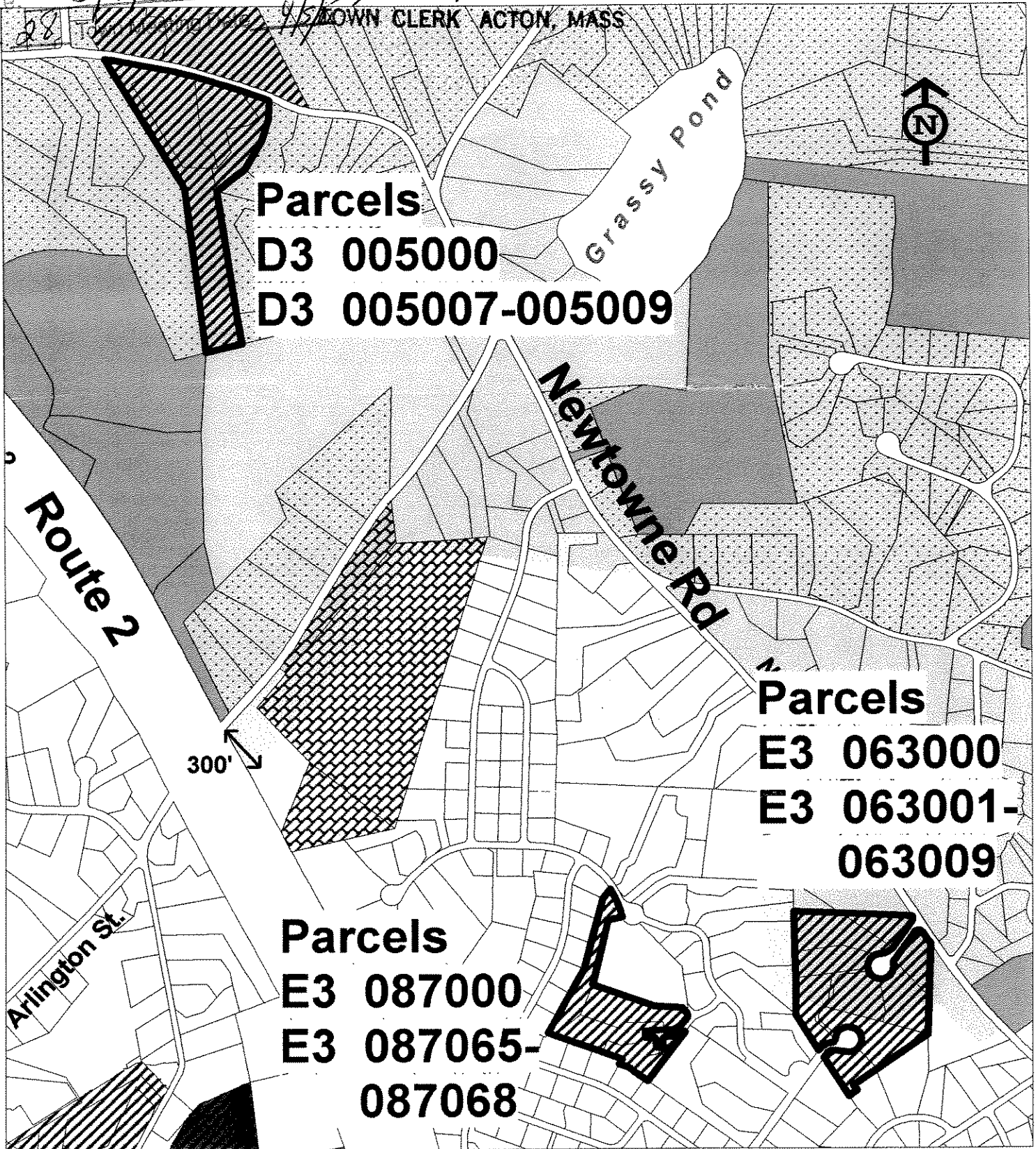
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Art. *28* Town Meeting Date *4/5/05*

By: Kelly E. Duran
Date: 5/9/05
At: 28

Eph H. Bowen

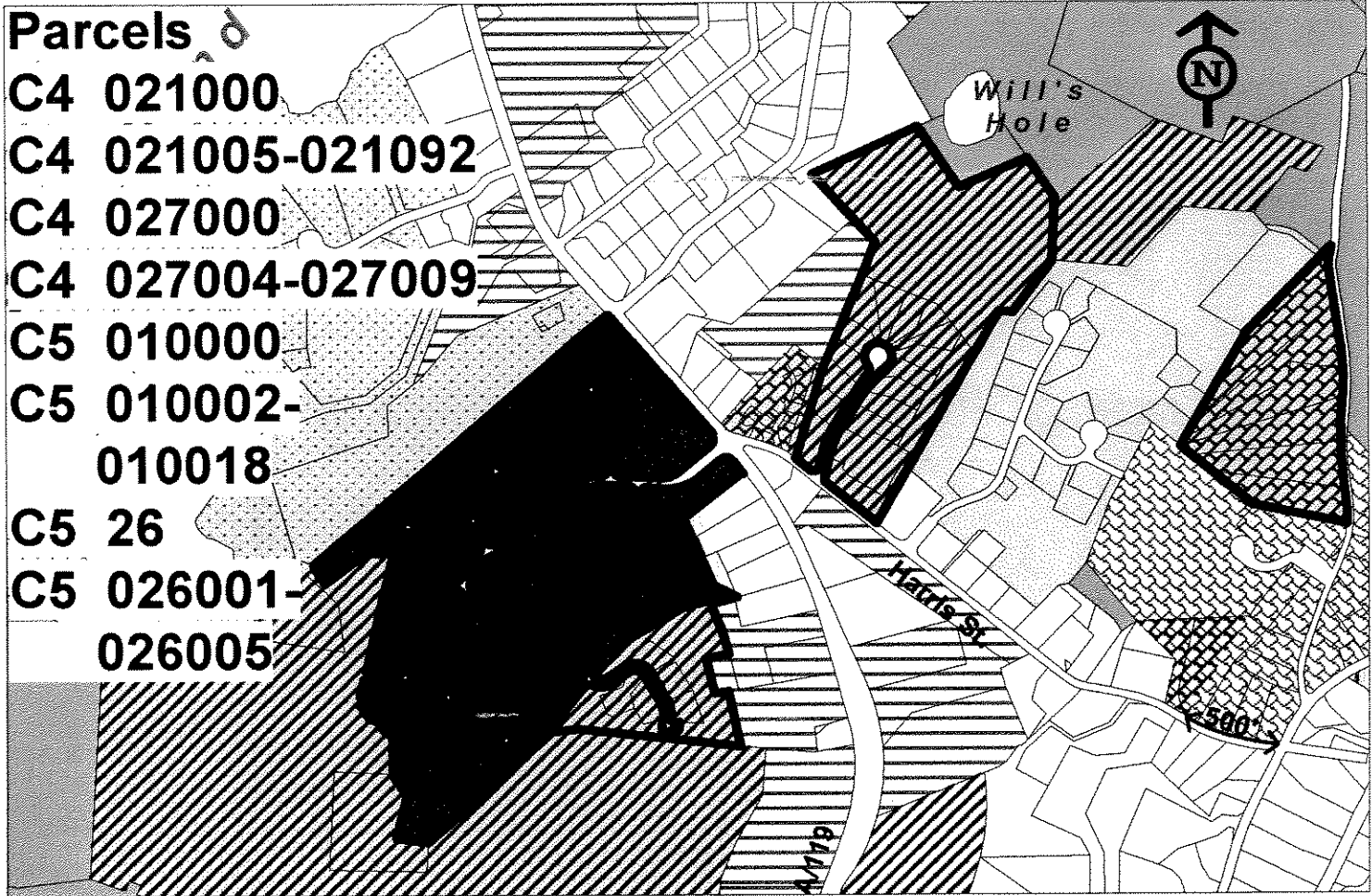
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E. H. Borden
TOWN CLERK ACTON, MASS.



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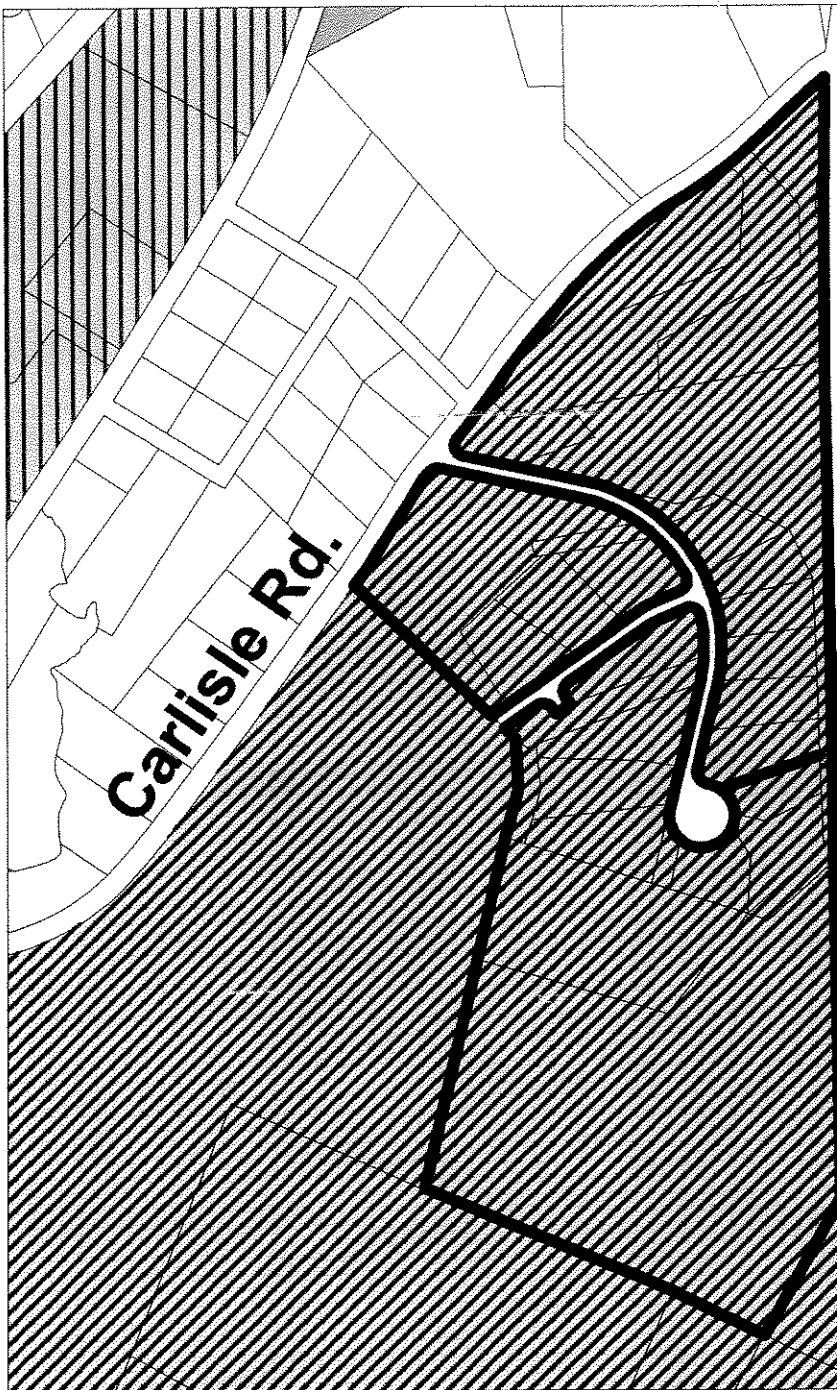
Attorney General's Office
By: *Kelli E. Sunagan*
Date: 5/9/05
Art. 28 Town Meeting Date 4/5/05

A True Copy. Attest:

ARTICLE # 28

Erm H. Bowen

TOWN CLERK ACTON, MASS



Parcels

B6 020000

B6 020001 - 020005

C6 008000 & 009000

C6 015000 - 037000



CAR

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Attorney General's Office

By: *Kelli G. Dunagan*

Date: *5/9/05*

Art. *28* Town Meeting Date *4/5/05*

A True Copy. Attest:

ARTICLE # 28

Eva K. Bowen

TOWN CLERK ACTON, MASS.

Parcels

B5 003000

B5 024000

B5 014001

B5 028000

B5 019000

B5 029000

B5 023000

WESTFORD

Nagog Park Dr.

APPROVED

Attorney General's Office

By: Kelli A. Duran

Date: 5/9/05

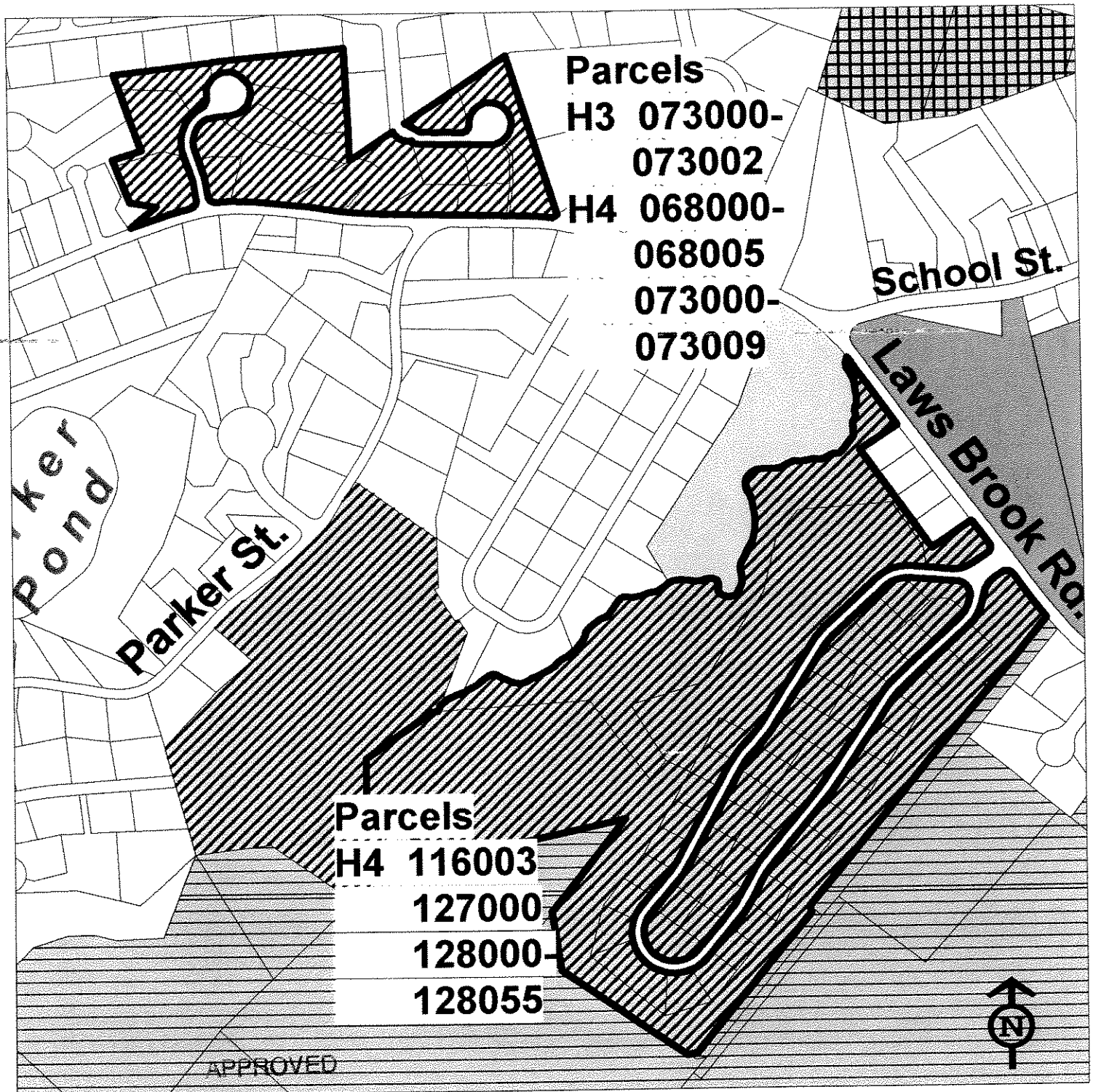
Art. 28 Town Meeting Date 4/5/05

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Epa H Bower

TOWN CLERK ACTON, MASS.

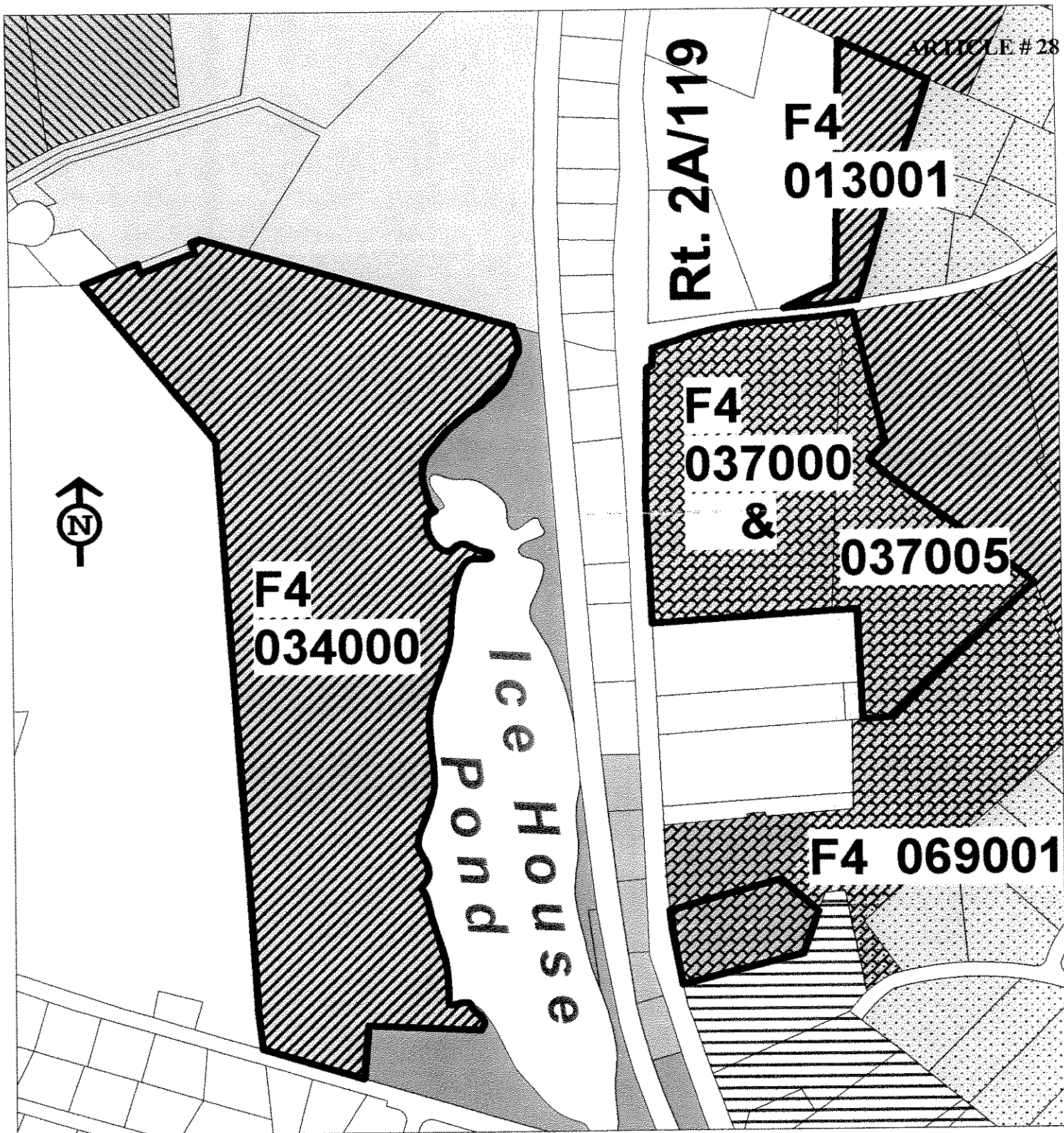


Attorney General's Office

By: *Kelli G. Munn*

Date: *5/9/05*

Art. *28* Town Meeting Date *4/5/05*



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A True Copy. Attest:

[Signature]

TOWN CLERK ACTON, MASS.

Attorney General's Office

By: *Kelly E. Dunagan*

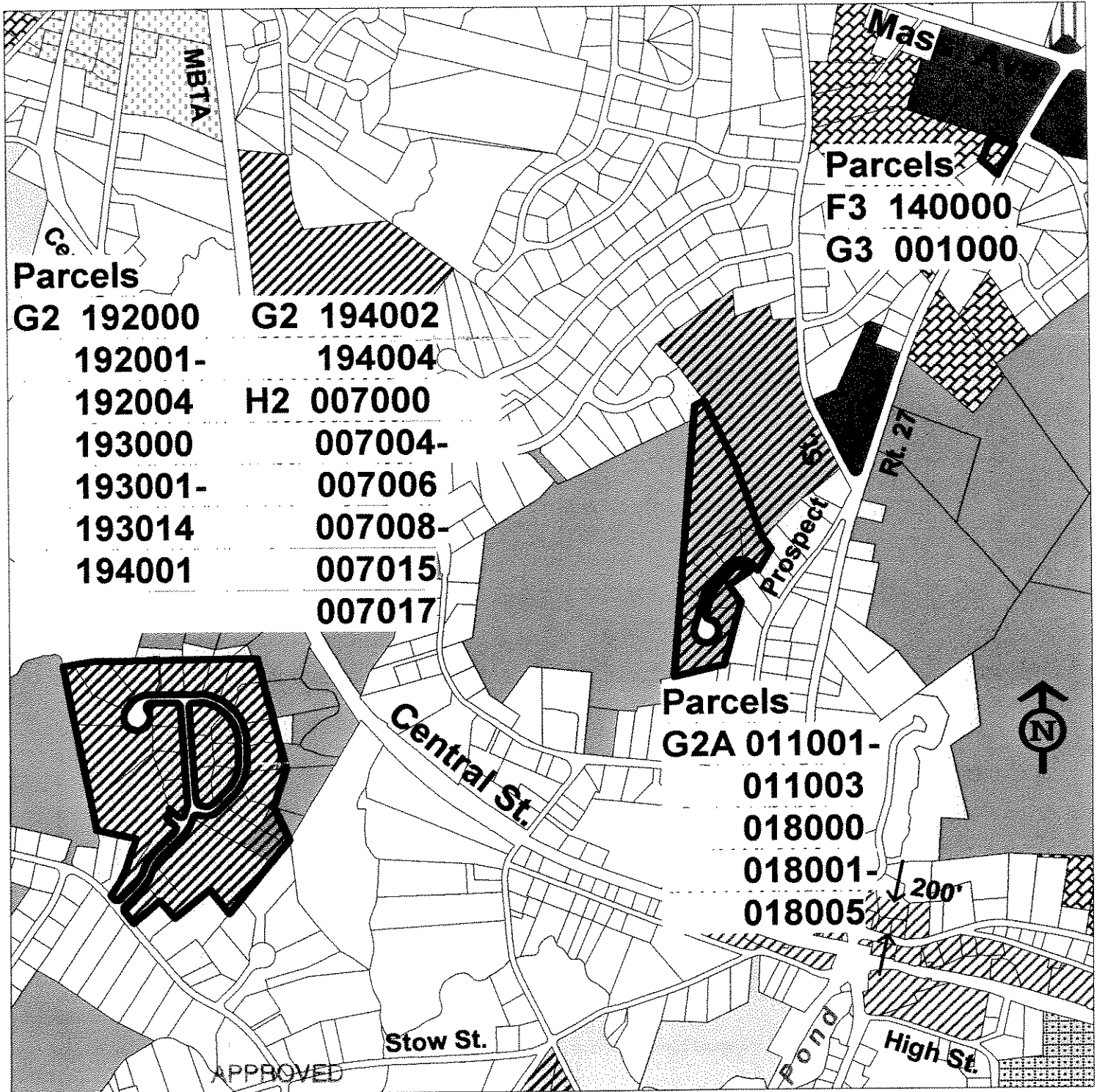
Date: 5/9/05

Art. 28 Town Meeting Date 4/5/05

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Egon H. Brown
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Attorney General's Office

By: *Kelli G. Givens*

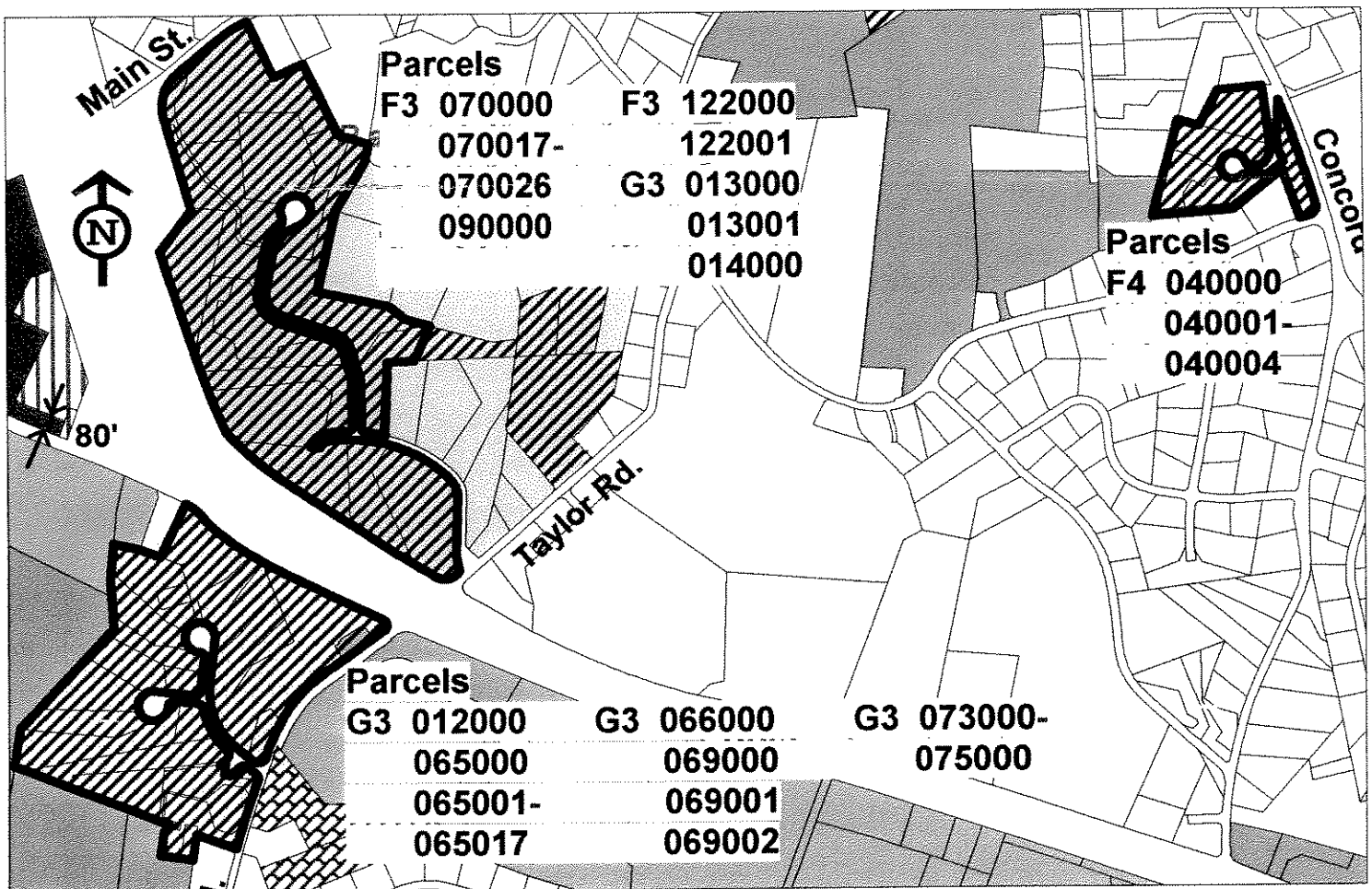
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Art. *28* Town Meeting Date *4/5/05*

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Date:

5/9/05

Art. 28

Town Meeting Date

4/5/05

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Eva H. Bowen
TOWN CLERK ACTON, MASS.

Parcels

F1 074001-

074019

109000

109001

G1 094000

094001-

094011

095000

096000

107000

120000

121000

123000

133000

152000

152001

153000

172000

173000



BOXBOROUGH

Parcels

F1 006000

F2A 011001-

011003

Massachusetts Avenue

Summer St.

Parcel

F2A 118000

MBTA

Willow St.

Central St.

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Attorney General's Office

By: *Kelli G. Dunne*

Date: *5/9/05*

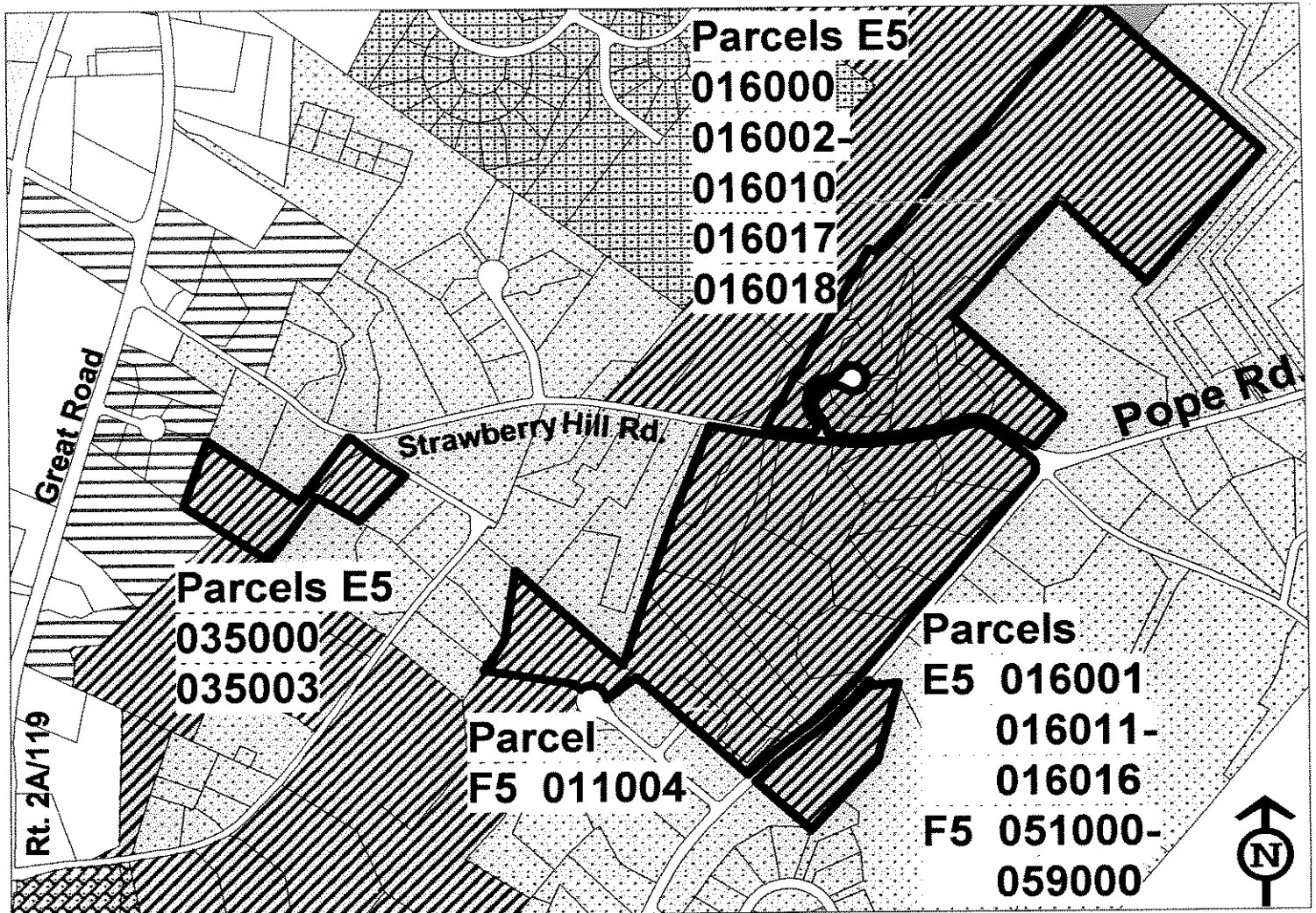
Art. *28* Town Meeting Date *4/5/05*

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E. H. Bowen

TOWN CLERK ACTON, MASS.



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Attorney General's Office

By: *Kelli A. Dinaga*

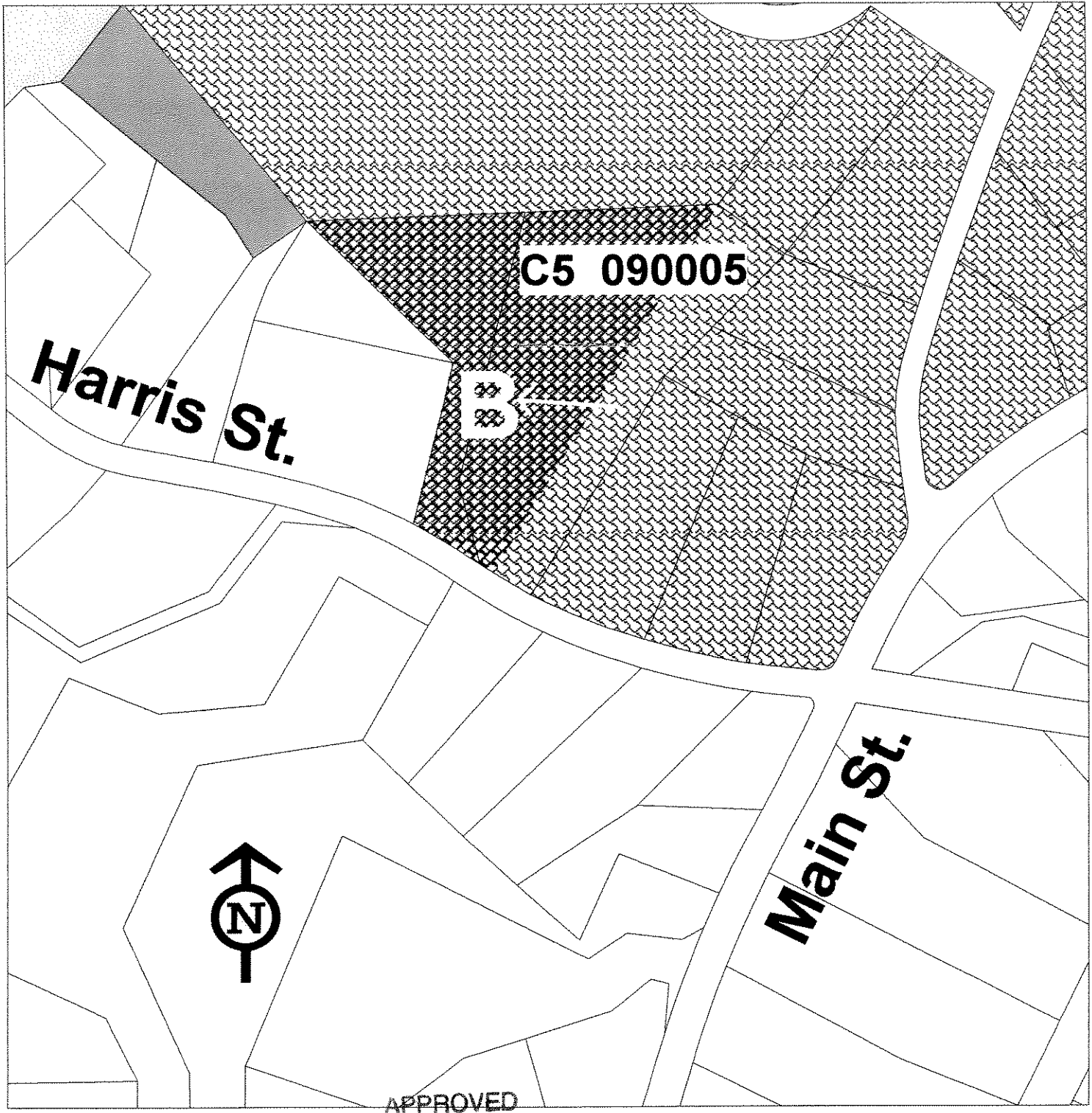
Date: *5/9/05*

Art. *28* Town Meeting Date *4/5/05*

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Eva H. Brown
TOWN CLERK ACTON, MASS



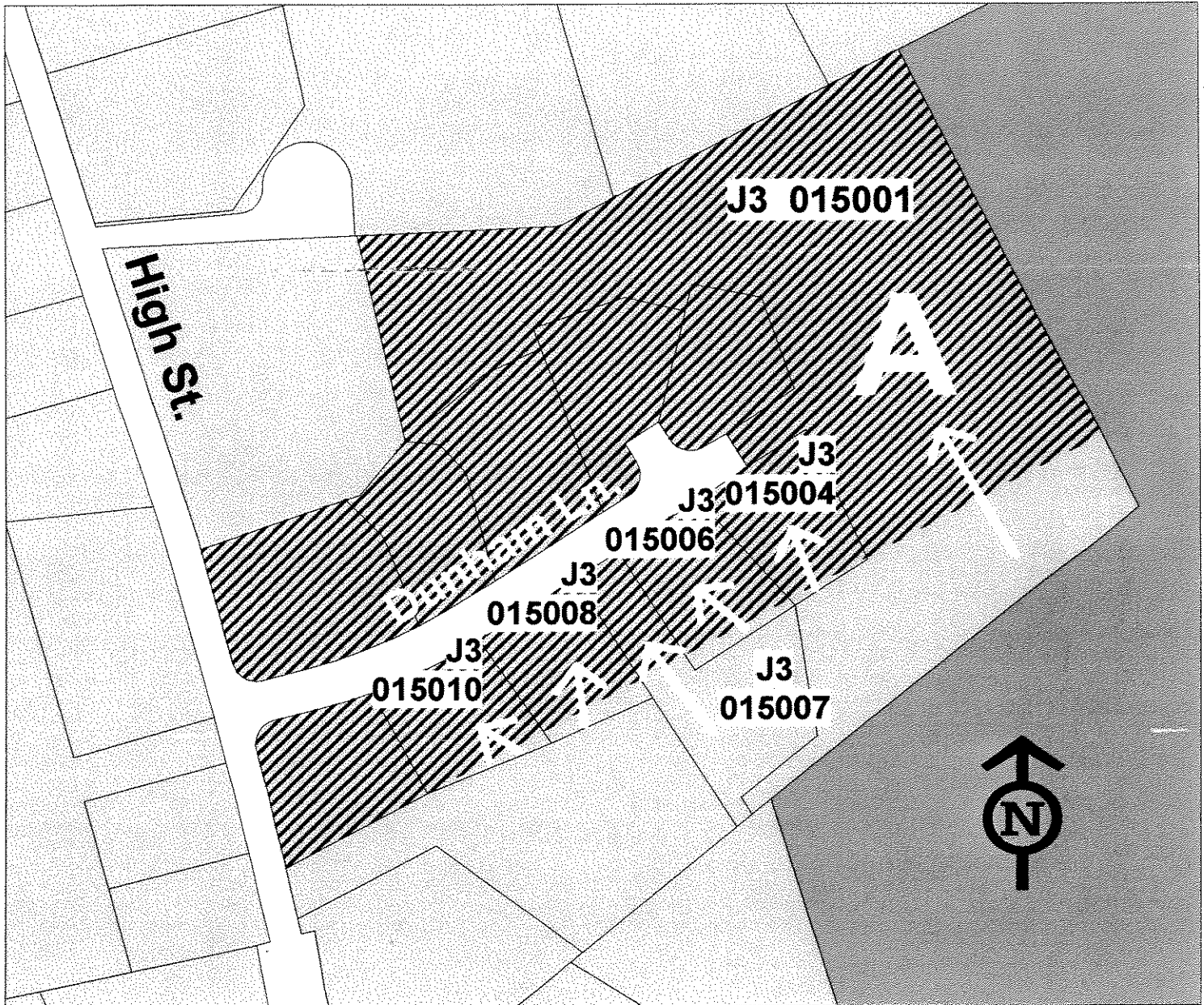
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Attorney General's Office
By: Kelly E. Demagn
Date: 5/9/05
Art. 29 Town Meeting Date 4/5/05

A True Copy. Attest:

ARTICLE # 29

Eva K. Bower
TOWN CLERK ACTON, MASS.



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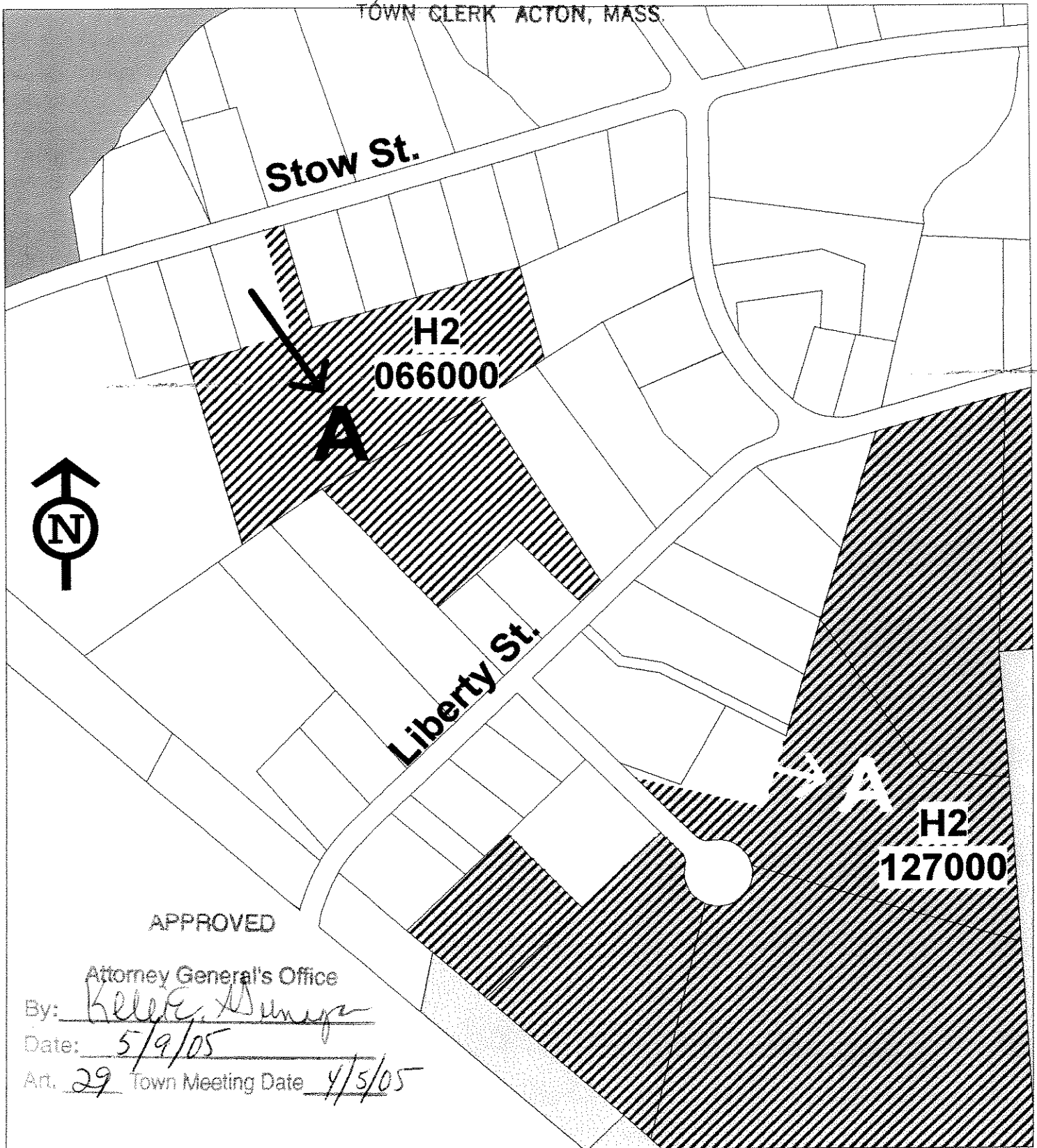
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By: *Kellie Dunagan*
Date: 5/9/05
Art. 29 Town Meeting Date 4/5/05

A True Copy. Attest:

ARTICLE # 29

Erin H. Bowen

TOWN CLERK ACTON, MASS.

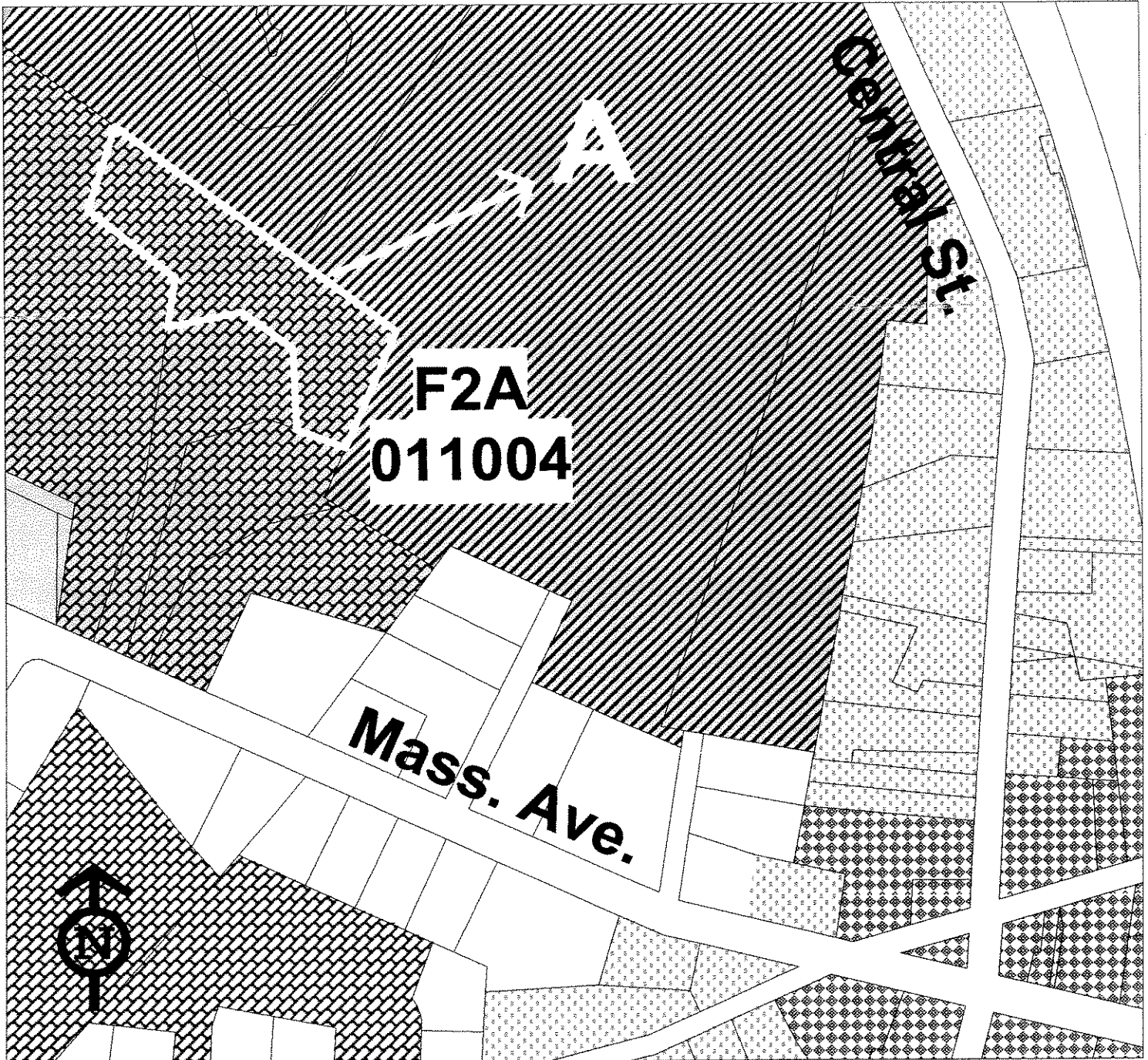


A True Copy. Attest:

ARTICLE # 29

Em H. Bowen

TOWN CLERK ACTON, MASS



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Attorney General's Office

By: Kelly E. Dunagan

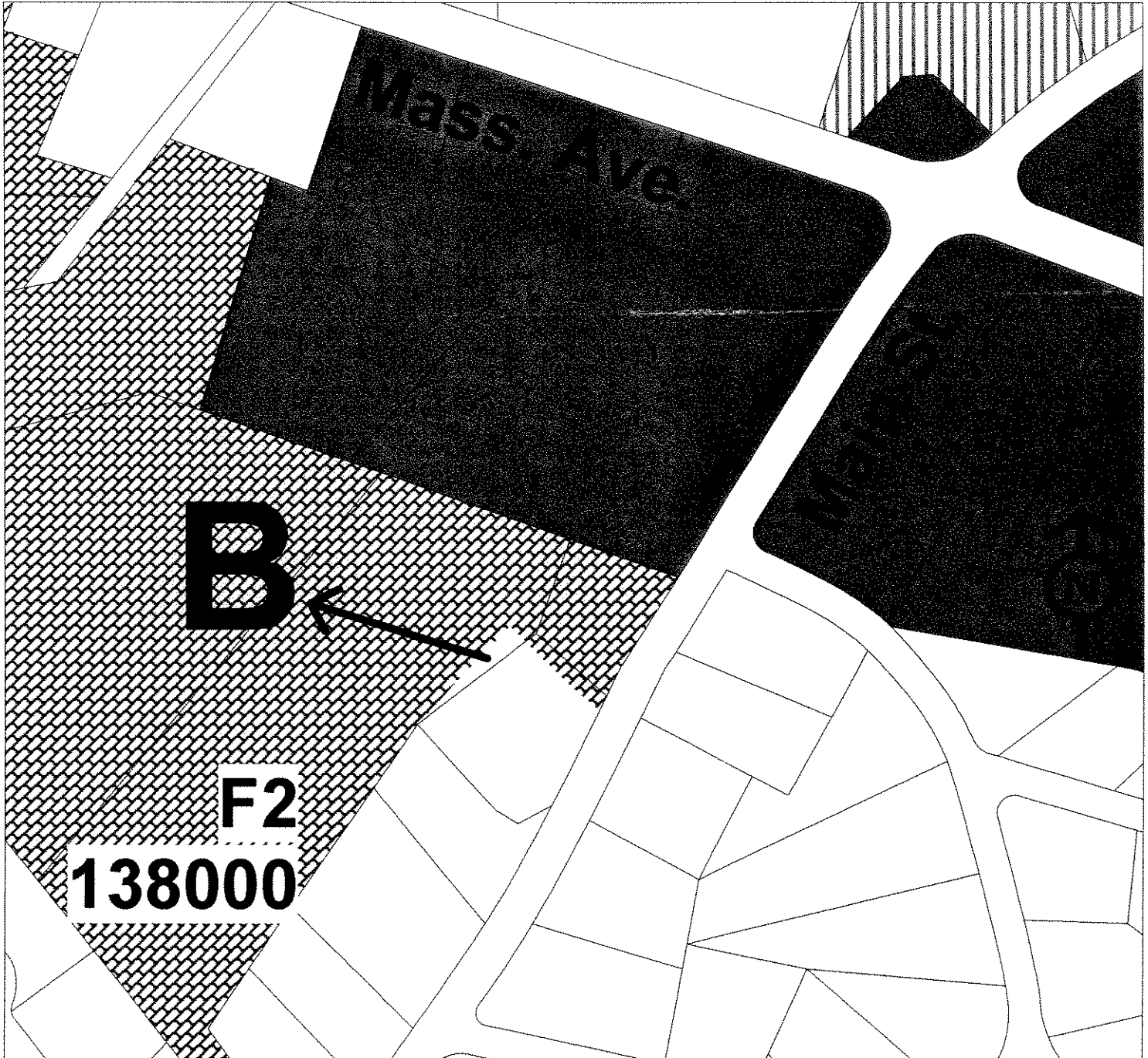
Date: 5/9/05

Art. 29 Town Meeting Date 4/5/05

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ARTICLE # 29

Erin H. Bowen
TOWN CLERK ACTON, MASS.



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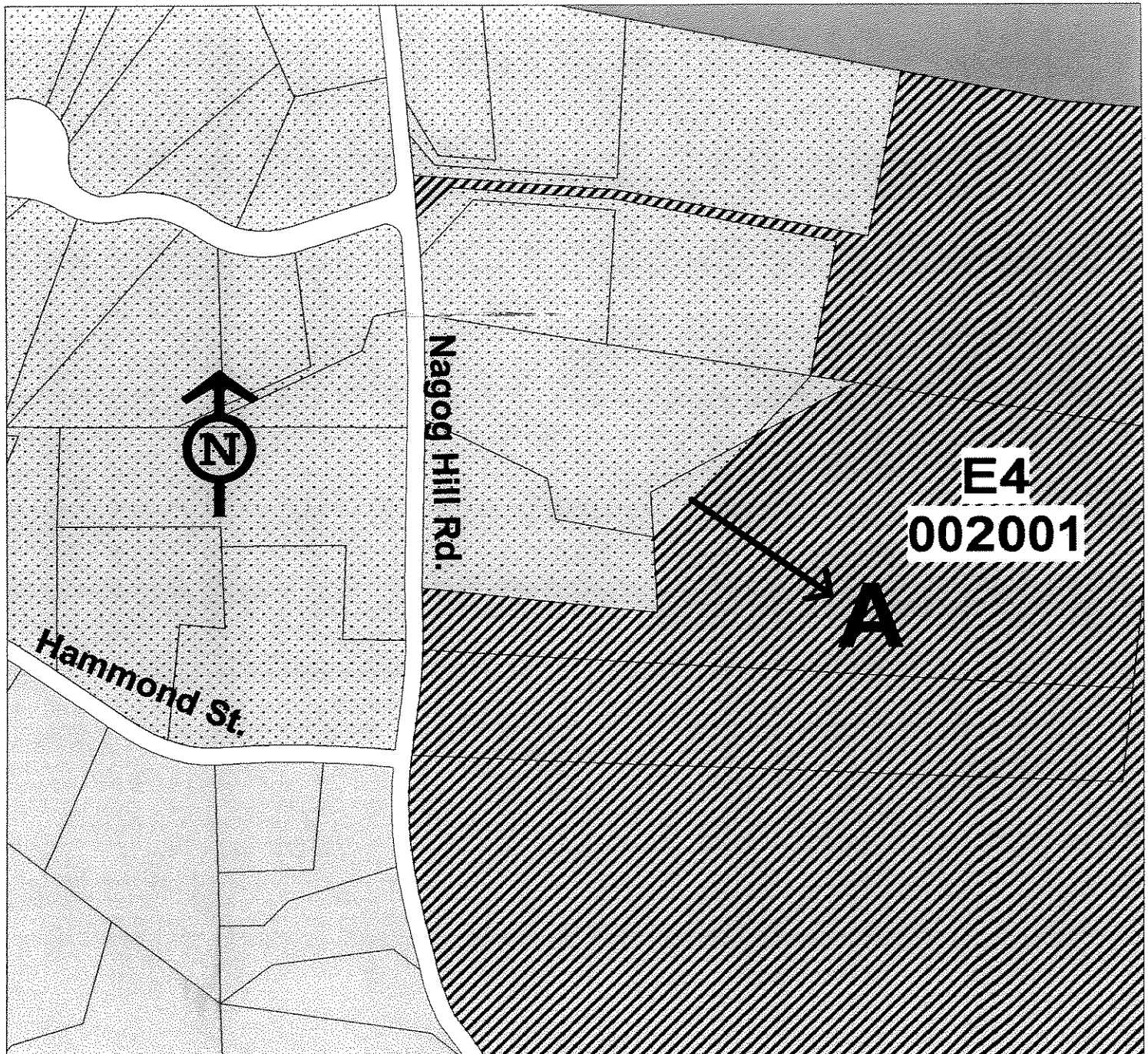
Attorney General's Office
By: *Kellie L. Dunne*
Date: 5/9/05
Art. 29 Town Meeting Date 4/5/05

A True Copy. Attest:

ARTICLE # 29

E. H. Bowen

TOWN CLERK ACTON, MASS



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Attorney General's Office

By: K. M. G. Dunagan

Date: 5/9/05

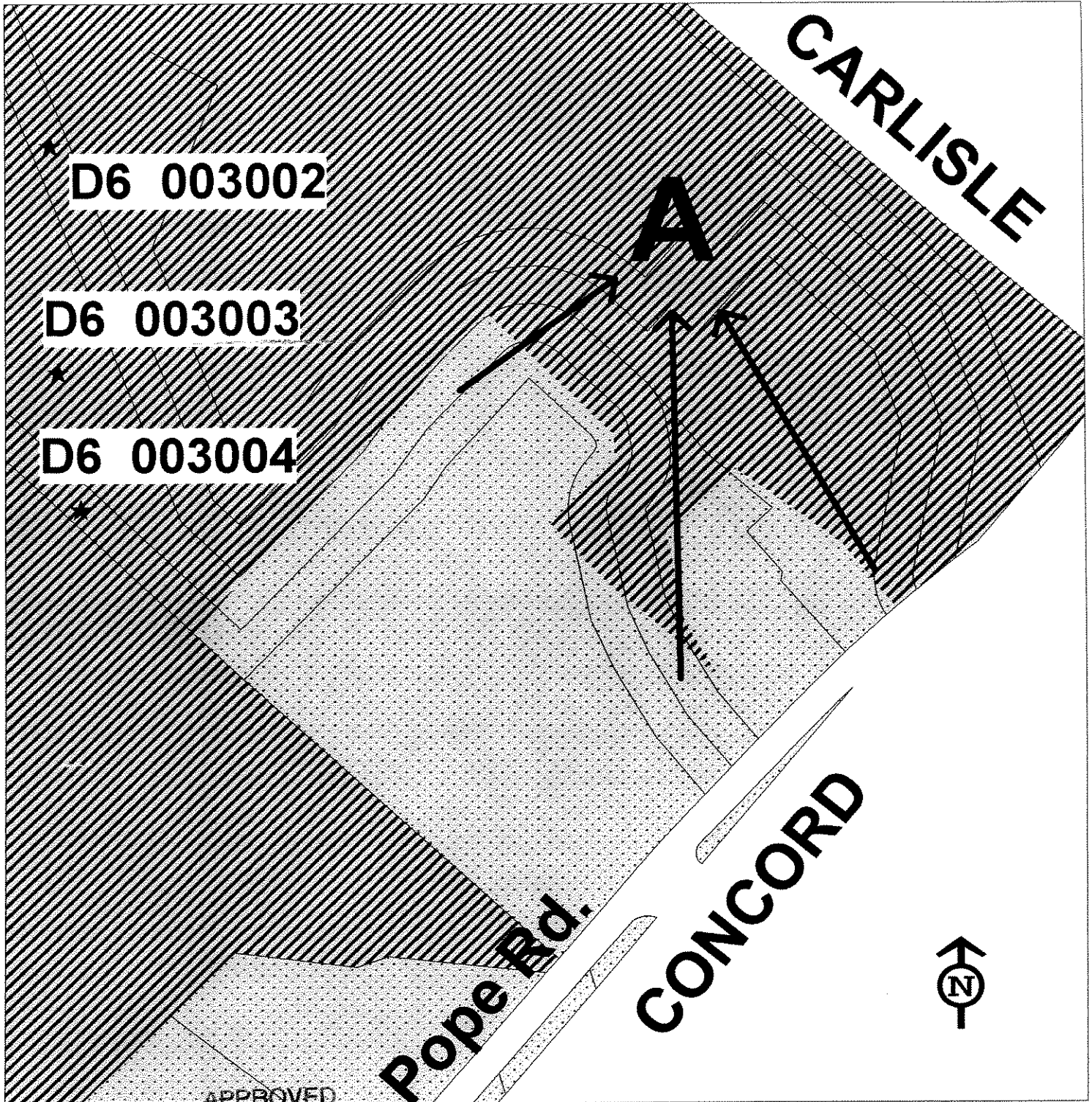
Art. 29 Town Meeting Date 4/5/05

A True Copy. Attest:

ARTICLE # 29

E. H. Bowen

TOWN CLERK ACTON, MASS



APPROVED

Attorney General's Office

By: *K. O'Leary*

Date: *5/9/05*

Art. *29* Town Meeting Date *7/5/05*